Ethics and International Affairs

PRELIMINARIES

The problems that will be examined in these essays could be defined in a number of ways. For instance: What is the proper place of ethical concerns, imperatives, or restraints in international affairs? In other words, where, if at all, do norms for moral behavior, considerations of right and wrong fit in the relations between states? Given the world as it is, what would be a morally acceptable international milieu, and how can one achieve it? What are the consequences of introducing explicitly moral considerations into the affairs of states? I will try to deal briefly with these questions in the following manner.

I will discuss them as a political scientist, not as a philosopher, for a number of reasons. The first and best Napoleon would have said to stop after that first) is that I am not a philosopher. My training is not in philosophy, or in moral philosophy; it is in history, and in political science and law. My interest is that of a student of those fields, and of a citizen. Also, my concern is less with what should be done, although I am, as we shall see, deeply interested in that, than with how one can get to what should be done. A comparison between what I will try to say and what has been written recently, and eloquently, by my friend and former colleague Michael Walzer in his book on Just and Unjust Wars\(^1\) may be of help. His line goes from a scrutiny of existing or generally accepted
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norms, to his view of the “ought,” to the “is.” His business is, properly, applied ethics; he tries to define what ought to be the just causes of war, or the right way of fighting them, and he compares his standards with the (usually somber) realities of warfare. My way is the opposite, starting from what is and groping toward the “ought”: it is an attempt at uplifting politics. To be sure, uplifted politics and applied ethics ought to converge; and I hope that we will meet halfway, although without having necessarily chosen our rendezvous for the same reasons.

Secondly, I am attempting not to reach exclusively specialists and scholars who have dealt professionally with these questions, but also people outside the scholarly world. This means that I shall examine these issues in as practical and common-sensical a way as possible. My last reason for not wanting to invade philosophy is that when philosophers deal with the ethics of politics the results are not always, in my opinion, very satisfying. Some of the purely theoretical discussions about ethics in world affairs leave me puzzled. At present, for instance, there is a debate about the application of John Rawls’s theory of justice to international relations. It is very fascinating, but it has very little relevance to reality, for two reasons. In his learned and massive tome, Rawls asks what would happen if individuals met under what he calls a “veil of ignorance,” in a hypothetical “original position” in which they do not know who they are—they know nothing about their respective situations, fortunes, or conceptions—in order to try to agree on principles of justice, on the assignment of rights and duties, on the distribution of benefits and costs, while furthering their own interests. When one asks what would happen if, instead of having individuals meeting under those conditions, each one representing only himself, we had representatives of nations meeting behind that “veil of ignorance” in order to choose the principles of international justice, there are fundamental differences between various authors (one of whom is Rawls). Some of them even say that Rawls is perfectly wrong in describing what, in his opinion, they would decide if they were representatives of nations. Thus we have already a debate on the very nature of the principles of justice in world affairs: are they principles of interstate justice, or principles of universal justice? In domestic affairs, we agree that the problem is one of justice for individuals (if we don’t, the whole Rawlsian construction collapses). In international politics we shall again and again come across the “state vs. human beings” or “nation vs. individuals” problem, an old bone of contention for students of international law.

But there is another reason for being suspicious of that exercise. It is not only intellectually but politically very exciting to ask oneself, as Rawls does, what should be the perfect fair society. For the whole enterprise is based on two conditions that give it practical relevance—that make of the principles derived by Rawls criteria for judging existing societies and guidelines for changing them—but that are missing in the international milieu. First, the original position, for all its hypothetical character, corresponds not only to the old notion of the state of nature, but above all to the fundamental postulate of democratic government, “equality between human beings as moral persons”2: the principles of justice are derived from a procedure of equalitarian democratic participation, which resembles the political framework of a number of (predominantly Western) nations. Rawls describes himself as the heir not of all social contract theory, but of that of Locke, Rousseau, and Kant—certainly not that of Hobbes, in which the individuals abdicate to the Leviathan they have set up. Now, whereas citizens in democratic states resemble the individuals in Rawls’s state of nature, there is no resemblance at all between state representatives supposedly meeting in
Rawls’s original position, and the reality of international affairs. To be sure, in real domestic life there are huge inequalities in status and wealth, even in democracies, and in international life, conversely, there is the legal principle of state equality. But the dynamics are quite different: constitutional democracy is based on the principle of equal participation, to which even the rich and the well-born pay lip service (and whose application makes the erosion of at least some of the inequalities of status and wealth possible). In world affairs, the principle of state equality is accepted as a formal norm, not as a substantive one. International politics severely restricts its operational consequences and remains dominated by the interplay of might and wealth—it is the big powers who tend to lay down the law.

The second difference lies in the realm of enforcement. The kinds of principles of justice which Rawls thinks people in his state of nature would arrive at make sense as long as all those individuals can establish a state which would have, as all states do, a legitimate monopoly of constraint; so that the individuals, having agreed on certain principles, would be obliged to stick to them: the state could enforce them. And in fact the state often tries to approximate the standards of justice at which these individuals are supposed to have arrived. This exercise is practically meaningless in the international milieu, because even if state representatives did agree, behind the “veil of ignorance,” on standards of international justice, in a milieu where self-help is the rule and where force can always be used by each agent, there is no guarantee whatsoever that those principles would ever stick for very long.

In other words, when you are dealing with a domestic order, the gap between what Rawls calls the “original position” and reality is often no more than a normative gap—if you prefer, an inspiration. The principles at which people would arrive in that original position indicate a direction in which the society and the state ought to go and are, in many instances, politically (if not economically) equipped to go. In international affairs, even if one could agree on what those norms should be, the goal remains utopian—a mirage: there is no way of obliging, say, those states that would find the application of the principles intolerable to respect them. Unless Rawls is right about the principles that representatives of nations would arrive at (he lists them in a couple of pages), they amount to an exercise in pure formalism, which is not very interesting. I shall therefore proceed not from that fragile original position, but from political realities.

The topics that will be discussed are the following. First, I shall examine what could be called the moral problem itself: Can there be moral behavior in international affairs? And if so, under what conditions? Then I will turn to three of the most burning contemporary issues. The first one is the case of moral restraints on the use of force. This used to be at the core of moral theories of foreign policy behavior, many centuries ago. It has become a most essential problem again in the twentieth century. We have had two savage world wars. In recent years the United States has gone through a fierce debate over Vietnam, which raised many questions. Did we have the right to intervene? This question provoked not one debate, but two—a debate on our ends, of course, but also a debate on the nature of the conflict. What kind of war was it? Was it a civil war, or was it an international struggle? There was a further question: Did we fight well? Hence a debate on the means. And, last but not least, what were the moral effects of the outcome—in other words, a debate on the consequences also.

The second case is the formidable and tormenting issue of human rights. Is this a proper concern for
foreign policy at all? If it is, with what rights should one be concerned? How important is the promotion of these rights in the overall hierarchy of objectives which a state must have? What are the tradeoffs, and also what means is it wise to use if one decides to promote such rights?

Third, I will examine the problems of distributive justice, about which there begins to be an enormous literature that raises very interesting questions. Are there obligations between rich and poor nations comparable to those which most domestic societies accept toward the poorer members of those societies? If there are such obligations, what is their destination? Are they owed to governments? Or to individuals in those poorer countries? For what purposes? At what costs to oneself?

Finally, I shall try to discuss what a morally livable world order would look like, given the world as it is—and it is cacophonous in any dimension you want to look at—in the horizontal dimension (the relations between the major powers), in the vertical dimension (the relations between the weak and the strong), and in what could be called the functional dimension, since world politics these days is a number of different games played with very different means, not always by the same actors. In each instance my objective is to review, as unobtrusively and unpedantically as possible, the literature on the subject in order to describe the main (and frequently incompatible) positions; also, I shall try to navigate between the extremes (except in the rare cases where I might agree with one) and suggest my own position.

Another remark about these essays: the problems of international relations exist at different levels. For obvious reasons—this is not supposed to be an encyclopedia—I will concern myself mainly with one. At least three layers can be distinguished; first of all, there are the moral dilemmas of the statesmen, of the decision makers. Then we find the moral choices of those who carry out those decisions, mainly, to use broad categories, the diplomats and the soldiers. Finally, there comes the rest of us (some may want to treat intellectuals as a separate category altogether). I will emphasize primarily the first level, the problems of the statesmen. Theirs is the burden of putting burdens on everyone else. But it will be useful to cast a glance at the other levels also. For when we think about those who carry out the decisions, whether it is the diplomats and the soldiers or the rest of us, we encounter in the domain of foreign policy a special case of the general problems of the obligations of citizenship. What are one's rights or one's duties toward the state? The average citizen would have no problem, dilemma, agony, or choice caused by the acts of his state in foreign affairs if we took one of two positions, neither of which I recommend. One would be that each citizen has an absolute duty to obey the government. This would eliminate the moral problem of citizenship altogether. There is a second way of eliminating the problem: by making the following distinction. One could argue that indeed we all have rights as well as duties toward our government in domestic affairs—there is no such thing as "Right or wrong, my government" in such matters. But there is such a thing as "Right or wrong, my country." In other words, one could take the position that whereas there is no obligation that covers the whole political field, there is a duty of obedience limited to foreign policy, either because one believes that foreign policy does not raise moral problems anyhow, or because one believes that the moral issues of foreign policy are properly the preserve of the government, which one should obey, given the nature of the competition among states (both its complexities, which require expertise, and its intensity, which demands untroubled steering). This is not my position, as will become clear below.

If, therefore, there are serious citizenship prob-
lems, two very interesting questions arise, with which I will not deal fully, but which we should remember. What should be the behavior of the citizens in general, and particularly of the soldiers and diplomats, and of the intellectuals, when their government engages in an immoral foreign policy? This was, of course, an extraordinarily vital and difficult problem for German citizens and for German officials in the Nazi period. The other question, which is quite different, is for the citizens or the civil servants or the soldiers of a domestically oppressive state, whether it acts badly abroad or not. How should these citizens behave toward the outside world? Should they call for help? Or should they essentially do their job by themselves, throw out the tyrants themselves, and keep the outside world at arms’ length? These are not simple questions.

Finally, before reaching the subject itself, it is always good for the author to put his cards on the table. Since all attempts at discussing moral issues in domestic or international affairs are necessarily colored by the biases of the writer, let me describe my own as simply as possible. I consider myself to be one of those old-fashioned and increasingly dinosaur-like types, a liberal. There must be a few of us left. I don’t apologize for it. Indeed, I feel sorry for those who aren’t. (I realize that this constitutes the majority of mankind). Inevitably this will be reflected here. I am neither a Marxist nor a conservative, nor a neo-Marxist nor a neo-conservative. To be a liberal does not mean necessarily to believe in progress, it means only to believe in a (limited and reversible) perfectibility of man and society, and particularly in the possibility of devising institutions, based on consent, that will make society more humane and more just, and the citizens’ lot better. This means—conservatives would agree—that the state should be servant of society, not the other way around, but also that this servant’s role is vital and can be salutary. And it means—Marxists would agree—that injustices that are the patterned products of economic systems, social stratification, or ethnic biases must be fought; but also that no philosophy of history provides us once and for all with a toolkit or a destination.

As a liberal I do believe that questions about morality—including the morality of foreign policy decisions—are questions about the rights and duties, as well as about the happiness and burdens, of individuals. This does not mean that I deny the importance of groups—kinship groups, ethnic groups, classes, nations; obviously, it is in and through them that individuals act and fulfill themselves (most of the time—sometimes they fulfill themselves by reacting against these groupings). But these are made of individuals, and, in my view, their own rights and duties derive from the role they play at the service of their members (a service that can indeed require sacrifices on the part of the individuals, insofar as the life, happiness, and opportunities of persons depend on the groups, and especially on the nations’ own existence, freedom, and prosperity). Individuals receive their first moral notions from the groups in which they live and continue to receive moral dictates from them throughout their lives. But this does not mean that there can be no moral development outside the groups. We have in ourselves a moral faculty that is awakened and sharpened by our relations with others, but which, once it is aroused, can grow and evolve apart from group pressures or commands. The group, therefore, while always a trigger, and often a help, can become an oppressive obstacle. Moral education consists precisely in helping the individual both realize what he owes the group and emancipate himself from group bondage.

Also as a liberal, my position is reformist or meliorist, not revolutionary. This does not mean that I believe revolutions to be necessarily evil, or even avoid-
able. They are often inevitable, and sometimes beneficial, given the alternatives. But it means that I am addicted to the search for a better, less destructive, more tolerant alternative to an unbearable or nefarious status quo—an alternative more respectful of the rights or of the humanity of opponents.

Thus it is a liberal’s view of morality in international affairs that will be found here, whenever I deal with shoulds. Moreover, one is always shaped by one’s own experiences; my formative experience was in the thirties and World War II, particularly the years when the Nazi stain spread over Europe, and when the Nazis occupied France. This has kept me with a lifelong, perverse preoccupation with world wars; and again, to make my biases very clear, I do not like them. So while I am not a pacifist, Christian or otherwise—the experience of the Thirties, so perfectly distilled in Ionesco’s Rhinoceros, rules this out—I have a very strong belief that no war is very often better than war (indeed, a world war was avoidable as late as September 1938). It would be a mistake to make you believe that I have for actual, real-life military battles the enthusiasm that some of my friends and colleagues seem to feel.

THE MORAL PROBLEM IN INTERNATIONAL RELATIONS

Two central questions have been discussed for a long time. First, is there a possibility of moral choice for statesmen in international relations? And secondly, if one assumes that there is, what are the limits of moral choice?

On the first question, nobody has ever argued that there should be no choice, but many people have asserted that there can be none. What are their argu-

ments, and how valid are they? There are two kinds of arguments. The most radical remains that of Hobbes: Nations are in a state of nature (indeed it is that state which suggests what the individual’s pre-Leviathan state of nature must look like). It is a state of anarchy, conflicting desires, and scarcity. There is a general struggle for power, fueled by what he calls “competition,” “difference,” and “glory.” In this competition the only universal concern is survival. Gresham’s law operates: even those who would like to pursue loftier goals cannot escape from the contest waged by the power greedy. This means that the right of nature is the liberty to use one’s power of self-preservation, and that the laws of nature are simply laws of self-preservation, dictated by reason; and these laws involve both self-defense and war. In such a state there is no morality; in fact, morality is simply the name given to behavior in conformity with the law of an established domestic order—with the positive legislation of a Leviathan in which the enforcement of humane laws of self-preservation becomes possible. But in international affairs, which is a state of nature, and in which there is no such Leviathan, there can be no morality. It is a definitional problem.

This means that international affairs remain the domain so well described by probably the most famous text of history, Thucydides’ Melian dialog between the Athenians and the Melians. The Athenians tell the Melians that in international affairs the strong do what they can and the weak do what they must, and that, anyhow, discussion of rights is valid only among equals. The Melians insist on talking about right and justice. The Athenians reply “that expediency goes with security, while justice and honor cannot be followed without danger,” and they conquer and kill the Melians. This approach to the problem is what Robert W. Tucker calls, euphemistically, a “naturalistic” conception. It means that interna-
tional relations is the domain of necessity, in which the only ends, which are dictated by the nature of the game, are security and survival. On behalf of those ends any means can be used. This is literally a structural explanation; it starts from the nature of international politics, and everything derives from it mechanistically and logically.

There is another, very similar, argument, not perhaps the most radical—the Hobbesian is the most radical—but the most tragic, and that is the view of Max Weber. It is not mechanistic; it is philosophical. It is not, as in the case of Hobbes, naturalistic and sardonic. It is, as usual with Max Weber, depressed and tormented. It starts with his famous opposition between the ethics of conviction, the ethics of the saints or of the prophets, the ethics of ultimate ends, and the ethics of responsibility, which is the ethics of all politics, domestic or foreign. The point he makes, which is not exactly new with him, is that the ethics of responsibility, the ethics of political action always inevitably entails the use of evil means. But he goes beyond this, for he stresses that this need to resort to evil means is by far at its greatest, and inevitably so, in international affairs, because the world scene, by contrast with domestic politics, is the domain of inexpressible, irreconcilable, and violent conflicts of values, represented by the states. All politics entails conflict. But the states are the ultimate, supreme expression of the values locked in a struggle for existence and supremacy. There is nothing above them, and they are armed. It is an interesting blend of Hegel, whose agonistic philosophy Weber had of course absorbed, and of a kind of Darwinian-Nietzschean view of the international competition. And it is a very stark view, in two different ways: first of all, it assumes that for people who believe in an ethics of responsibility, which means, of course, the statesmen, the power of the nation-state must be their supreme value, by

*definition*. If anybody had a concern other than the power of the state as his supreme value, he would be out of the sphere of political action. The political sphere is by definition that in which there is nothing above the nation. That is stark enough. What makes it even starker is that he not only says this, but he also subordinates domestic politics and economic policy to it. Domestic politics must be tailored to and corseted by this supreme value. In other words, he does not only eliminate moral choice about ends outside; he does not only present international politics as the domain of uncompromising moral conflicts. Because of this, he also very sharply wants to limit moral choice within. Moral choice tends to be relegated to the realm of means—and even there it is limited since Weber calls violence the decisive means in politics.

I do not believe that these arguments are convincing. Let us begin with the structural view, the Hobbesian one. Very often, there is a tendency to try to refute it by resorting to the rosier view of international relations. This alternative view is that of the secularized natural law tradition, the tradition of Grotius, of Locke, of Pufendorf. Or else, it is the antinaturalist, utilitarian conception of Hume. Both the secularized natural law thinkers and Hume start with human sociability and derive from it the existence of common norms and common interests. They argue that of course in international affairs those common norms are weak, those common interests are fragile, because there is no central power, or because a state—stronger than a mere individual in society—has less of an interest in observing them. And yet these common norms exist, and the international state of affairs is not a state of war. This is not a very convincing refutation of Hobbes, because it can easily be shown to be false, first of all by experience. We all know by experience that in many periods in history there simply are no, or very few, common norms or common interests. And it has also
been very neatly demolished by Rousseau, who pointed out that in a competition, each state is above all concerned with its own advantage: when states calculate their interests, there is no common standard of utility. Moreover, he reminds us, sociability is a force for considerable mischief, it is at the root of “amour-propre” and competition and is not necessarily a source of good behavior. In fact, sociability is to him the cause of all evils, since once we start being sociable we start comparing ourselves to one another, we start being envious, and greedy, and scheming, and violence and deception follow.

However, the stark description of international politics by Hobbes as a state of nature that is a state of (to him and in his days, bearable) war is not a perfect description of international reality either. Not at all times are states in a situation of war of all against all; it is not true throughout history, it is not true in space at any one moment. The statesman is not always knocked to the floor, having to survive or else. Also, the Hobbesian view predetermines the goal of political action by saying that it must be security and survival and nothing else, and by reducing all choices to techniques. This is patently false. Survival itself is not an unambiguous goal. Let us take three cases where survival was clearly at stake: France in 1940, Israel since its birth, Poland for the last two centuries. There were violent disagreements, not about the technique of survival but about the meaning of survival itself. Was it to be the physical survival of the French, as Pétain thought, or the “moral” survival of France, as de Gaulle wanted? Is the survival of a country under foreign rule, like Poland, better served by preserving as much national spirit at home despite foreign domination, or by refusing any collaboration and keeping the flame burning abroad? Does the survival of Israel require reconciliation with the Arabs and insertion in the Middle East—Nahum Goldmann’s vision—or a tough, an-
and a Wilson, a Bismarck and a Hitler, a Napoleon and a de Gaulle do not have the same idea of their roles. In other words, the Weberian view is both an abdication of moral judgment and a confusion of moral judgment.

The answer to the first question is therefore: Yes, there is a domain of choice. But the real question then becomes how much. We must turn to the limits of moral choice. The domain is obviously extremely narrow, for three reasons mainly. The first one is a structural reason, revised in a non-Hobbesian way, but it is still the same idea: the nature of the social framework itself. The international milieu simply does not leave one much room for moral action; as Wolfers put it: “moral convictions cannot tell what roads are open to a statesman.” The arguments here are double. First comes one for which I have a limited amount of sympathy, for it has sometimes been carried much too far. It is the argument made at length in the writings of Reinhold Niebuhr; and briefly and much more sharply in E. H. Carr’s Twenty Years Crisis, about the difference between individual behavior and all group behavior. Individuals can behave altruistically; for a person, “self-transcendence” is both possible and sometimes even expected, or rewarded; whereas groups in general are expected to behave selfishly; they are there literarly to promote the interests of the members. If they did something else, they would betray the interests of the group. Not only is selfish behavior accepted, but one also expects of groups that they will sometimes behave in a way that would be immoral if it were indulged in by individuals. There is something in this argument, but it should not be carried too far. The notion of interest is a very tricky one; self-interest and selfishness are not identical. If all groups behaved selfishly all the time, all social life would come close to that model of enmity, of a conflict of all against all, which, as Wolfers pointed out, eliminates moral choice, but also breeds intolerable insecurity. As many pressure groups have found out—for instance die-hard business associations or revolutionary unions—purely selfish behavior, by destroying the social fabric, is not in their self-interest. Moreover, not every group interest is morally respectable; domestic society has laws that aim at deterring or punishing reprehensible group behavior. International law tries to do the same insofar as national behavior is concerned.

There is a second argument which in a way reinforces the previous one, but it exists quite independently from it, and I put more stock in it. It stresses the difference not between individuals and groups, but between individuals and groups in a domestic order on the one hand, and the statesmen on the world scene on the other. It is a two-stage argument. In the first place, in a domestic system which functions well, individuals and groups can behave morally because there is a framework of social order—in which they have a stake. A contrario, when that framework disappears, and survival or basic needs become the obsession of all, individuals and groups start behaving in an immoral or in a cowardly way. This is one of the points made, effectively if not totally fairly, by Marcel Ophüls’ well-known movie, The Sorrow and the Pity, about France under Nazi occupation. When we are in an economic depression or in a civil war, we are indeed much closer to the Hobbesian floor than to the Kantian ceiling, and we behave accordingly. But in the domestic system, the statesman, being the maintainer of the framework of social order, being a man whose moral obligation is to preserve that order, will sometimes have to behave in an immoral way. This is the old Machiavellian argument: for the individual and the group in a well-functioning society, altruistic or enlightened behavior is possible, but the statesman’s duty is to protect the general interest of the nation; and sometimes doing
evil—lying, deceiving, striking out—on behalf of that interest is a necessity. De Gaulle defined the statesman, by contrast with the intellectual, as somebody who takes risks, including moral risks.

The second stage of the argument shows that this contrast between the behavior of individuals and groups in the domestic order and the statesman is particularly acute when one looks at the international milieu. Both Carr and Arnold Wolfers recognize that the statesman operating in the context of domestic politics can often behave reasonably well, even though his first duty is the maintenance of the domestic society—especially when the political system and the social order are recognized as legitimate, and of course also because of the state’s monopoly of coercion. But a statesman in the international competition cannot afford moral behavior so easily; first, because of what might be called the state’s duty of selfishness: as Hamilton put it, “the rule of morality... is not precisely the same between nations as between individuals. The duty of making its own welfare the guide of its own actions is much stronger upon the former than upon the latter. Existing millions and... future generations are concerned with the present measures of a government while the consequences of the private action of an individual ordinarily terminate with himself.” To be sure, and as I will argue, this duty of selfishness is no license to pursue any end and to use any means, but it restricts the realm of choice. Secondly, in international relations, by contrast with domestic politics, the scope of moral conflict is infinite, whereas in a domestic order the scope is normally much more restricted. Thirdly, violence, the ever-present possibility of war, limits the range of moral opportunity. There is the state’s security dilemma, there is the need to survive. And because a drastic separation between order and justice exists in international affairs, the state has to survive first; as a statesman, you have to establish or preserve order first, and then you can worry about justice, if there is time left. International order has to be established or defended every minute, whereas domestic order is a given, and already reflects a conception of justice. In other words, the condition which drives out moral choice, or (again in Wolfers’ phrase) dooms one to “out-group morality,” or (in Raymond Aron’s) to the morality of struggle: enmity, is much more likely to arise in international politics. And this is so because of the two fundamental differences between domestic politics and international politics: international relations is a competition of groups with no consensus among them, and with no power above them. This indeed makes for a non-Hobbesian structural argument, which explains why moral opportunities for the statesman in world affairs are quite limited.

The second reason is a philosophical argument, revised in a non-Weberian way. Even if one does not accept Weber’s notion of inexpiable conflicts of values, there is, in fact, no single, operational international code of behavior. There are competing codes, rival philosophical traditions, clashing conceptions of morality. This is far worse than what went on, let us say, in the days of the just war theory. The behavior of princes was often atrocious, but at least they acknowledged a single code of legitimacy. They violated it, but they recognized it in principle. At present there are incompatible notions of legitimacy; the only common code is not an ethical one, really. The only common code, which incites both struggle and prudence, is national egoism. We behave in a certain way in Vietnam or in the Dominican Republic; the Soviets behave in a certain way in Afghanistan, the Indians “liberate” Goa, Vietnam “liberates” Cambodia. Each party denies that its acts are comparable to those of the others, and so on. It is true, as some point out, that all statesmen use the same moral language—they all argue
about rights and wrongs, justice and law. And the United Nations Charter, plus a number of quasi-universal treaties, seem to provide a common grammar. Unfortunately, from the viewpoint of moral harmony, this is meaningless. A community of vocabulary is not the same thing as a community of values. When people with very different values use the same vocabulary, it debases both the vocabulary and the values hidden behind the vocabulary. This is what has been happening to notions like self-determination, non-intervention, etc. Behind the common grammar there are competing ideological logics.

Not only is there no single moral code, but there are no effective substitutes. International law and international organizations certainly are not. What limits the role of the latter is precisely the conflicts of values and interests among the members. As for international law, it is partly a fragile truce between the combatants, partly the victim of value (and of power) confrontations that have undermined many of the traditional branches of the law. World public opinion is about as fragile as the sum of conflicting domestic opinions can be—each domestic opinion being capable of oscillation, and at least as prone to chauvinism as to universalism. Moreover, some public opinions have no way of expressing themselves and therefore of joining in the chorus of world opinion. The latter remains far less potent than the separate governments, in the world as it is. None of this means that the battles of values and philosophies must be resolved by struggles among states, that international violence is a Weltgericht of values, that there can be no compromises or no “peaceful coexistence” of moral opposites—or that when states fight it is necessarily as carriers of value systems. But it means, once again, that we shall often be very close to the pole of enmity.

The third reason for the limits on moral choice is political. The structural and the philosophical arguments say that it is difficult at statesmen to exert moral choice because of the certainty and the pressures of competition, the power contest and the value contest. The political argument states that fair moral choice by statesmen is also made more difficult by two kinds of political handicaps. The first one is political uncertainty—the difficulty of assessing the situation. Far more than domestic statecraft, international statecraft is statecraft in the dark. It is often blind statecraft. The statesman’s ethics cannot ever be a perfect ethics of responsibility, because he does not control what goes on outside, and because he normally does not even understand clearly what goes on outside. What has been happening between us and the Russians after their invasion of Afghanistan is the clearest example of this, even though we have had thirty-five years of experience, of dialog with the other side. The difficulty of assessment is created by the fact that events are always ambiguous. When you must make your decision, you often do not know what the event to which you react means. A splendid example is provided by the debate in England in 1906–1907 as to whether imperial Germany was mounting a worldwide offensive—which Britain had to stop—or was merely a clumsy, prestige-conscious nation, which the mighty British should try to accommodate. There was a comparable debate in the thirties, on whether Hitler was Hitler, or merely an impolite version of Bismarck. One key question divided the French in 1940: Was the victory of the Germans final or not? A great deal of public behavior depended on what one thought the answer was. Was Vietnam a civil war, was it an outside aggression? Are the Soviets in Afghanistan because they are afraid, or because they are cocky? And so on. The difficulty of understanding what events mean is compounded by the difficulty of assessing the effects of one’s own course. We choose a policy on the basis of our
(unscientific) interpretation of an event, a trend, another nation’s behavior, but often ignore the fact that our own move, which we see as a mere reaction, may have unfortunate effects. We select a course, but do we know how far it will take us? When Carter seemed to drag his feet on SALT II and hasten his pace of rapprochement with China, did he calculate the effect on the Soviets? When Pétain decided for the armistice, did he know that it would lead to rather abject collaborationism a little later? Or when one rejects a course, does one know at the time whether one was wise to reject it or not? Think of the decision made by the United States to drop the atomic bomb on Japan rather than to “demonstrate” the bomb on some empty island.

The second kind of political handicap is not uncertainty, but foreclosure. The first necessity for a statesman is to preserve his political base, to maintain domestic support for his policies. But the constraints of internal moods and pressures often restrict severely his range of action abroad. Certain moral courses may be barred by domestic prohibitions; far less ethical ones may be dictated by internal imperatives. Moreover, moral choice is also hampered by the fact that different statesmen operate according to very different codes, even within the same country or the same political regime. A statesman’s code is the product of his character, of his own experiences, of his upbringing, of the mood of the moment. He rarely performs according to a model of perfect rationality, weighing all options; his code tends to shut out certain alternatives, to make him blind to certain realities and deaf to certain demands, to overvalue the benefits of the preferred course and to exaggerate the costs of the discarded alternatives. Men like Chamberlain and Daladier put very high on their list of priorities the economy of lives, after the blood bath of the first World War; but, in Churchill’s famous words, they got both dishonesty and war. Thus moral action is impaired both by the rails on which statesmen move, which traverse only a part of the landscape, and by the fog through which the train advances.

What are the consequences of these limits on moral choice? The most evident could be called the moral inferiority of international politics. This is a domain in which, much more than in domestic politics, one pays a penalty for behaving decently. One always risks being duped; for instance if you wait angelically until your neighbor attacks you first. If one behaves too well toward outsiders—refugees, trade competitors, needy states—one may also expose oneself to a domestic backlash. Also, there is always a greater opportunity to rely on immoral methods; this was the immortal statement of Cavour: If statesmen had behaved in their private life the way they did in order to bring about the unification of Italy—lying, spying, and killing—their mothers would have approved.

We can look at the social order as a pyramid of moralities. There is, at the bottom, the morality of the individual—let us say traditional Christian morality or its “lay,” post-Enlightenment, Kantian variety. Then, there are various group moralities within the state—less capable of altruism, and prone to distinguish sharply between what is due to those who are in and what is left for those who are out. Finally there is the statesman. Machiavelli’s whole work is based on the contrast between ordinary Christian ethics and the ethics of statescraft, which entails doing whatever is necessary for the good of the country—not an “immoral” code of behavior, except by Christian standards, but a different code of morality, which wills the means to the noble end of civic survival. Raison d’Etat is not an abdication from morality, but the proper morality of statescraft.

Now, in well-ordered polities, group morality—
from the family to the big pressure group—is under a double control: that of individual morality, which presumably will prevent the in/out distinction from becoming murderous, and that of the state, eager to prevent group selfishness from destroying the social order (Mafia morality is a perfect example of what happens when the double check falters). And the whole effort of Western political philosophy and Western liberalism has consisted in replacing the ethics of Machiavelli’s Prince with a quasi-Christian version of statecraft morality: the ethical politics of social contract theory à la Locke, Rousseau, and Kant. In other words, there has been a partly successful attempt at making statecraft, concerned with the good of the national group, compatible with common-morality definitions of the good. When a recent American president behaved as a dime-store version of the Prince, he was driven out of office for having violated both the law and the spirit of the system.

The drama of international politics is that there is, as of now, no generally accepted alternative to Machiavellian statecraft. The latter has not been made illegitimate. To be sure, we have, in theory, two such alternative morals: the old Christian notion of the prince who obeys the precepts of natural law, and the Kantian version of the statesmen who adopt the principles of eternal peace. But the three factors I have discussed make it impossible for statesmen to behave as if a world community, however decentralized, had already been achieved. Wilson is an exemplary figure—both because his high ideal of non-Machiavellian statecraft ended in tragedy, and because, as the defender of his nation’s interests, he sometimes acted as a good Machiavellian, “for where the very safety of the country depends upon the resolution to be taken, no considerations of justice or injustice, humanity or cruelty, nor of glory or shame, should be allowed to prevail.” Our problem is how to reach the stage, partially achieved in some domestic sys-

tems, of a possible non-Machiavellian ethical statecraft in international affairs—a statecraft that will not define what it is its duty to protect, the good of the nation, in ways incompatible with the good of mankind. And we must also remember that whenever enmity prevails, what J. N. Figgis rightly calls Machiavell’s philosophy of emergency, siege and self-defense will accurately describe the behavior of statesmen. The possibility of their behaving accordingly is always present, at the margin or tangentially, so to speak. As long as the structural, philosophical, and political conditions that would make an alternative ethics of statecraft practicable do not exist, recommendations or exhortations (for instance about the legitimacy of interventions for good causes) ought to be treated with considerable skepticism, on moral as well as on prudential grounds; remember Pascal: *qu’avez faite l’ange fait la bête*.

The drama of moral reformers of international relations is not only that the dream of a world community with non-Machiavellian statecraft remains apolitical, but also that the Machiavellian ethics have a strong appeal. For it is not a call for the jungle, it is literally “outgroup morality.” It does not advocate cynical and brutal behavior per se; it tends to divide mankind into those who are on our side, and our foes; it appeals to the idealism of commitment, of rewards to friends, as well as to the machismo of might, and to the competitive instinct that feeds the concern with credibility. Were it entirely the opposite of Christian, or democratic, statecraft, its appeals would be less broad. They derive both from what could be called a self-righteous perversion of such statecraft, and from the latent dissatisfaction with its meekness, with its all-too-reasonable, too uncombinative character. In other words, it appeals both to the selfish instincts suppressed by Christian morality and to the fascist ones latent in many of us.

Another consequence of the limits of moral
choice consists of the dangers which exist in the field, and about which many Americans have written so eloquently that they sometimes throw out the moral baby with the murky bath. One of the dangers, already mentioned, is excessive moralizing in the abstract. This is the old critique of idealism, which wants the statesman to come straight out of the Ten Commandments, and forgets that he is bound to the here-and-now. He has to choose most of the time not between moral action and immoral action, but between competing half-moral, half-immoral, or amoral alternatives, or between a course that will strike him as moral, given his code (say, help to a "friendly" dictator in trouble) but will be denounced by people with different priorities, and a course such people would prefer but that would appear immoral to him (if it risks helping radicals hostile to the United States, in the example given). When one acts one does not choose between immorality and morality; first of all, many decisions are purely technical and have no clear moral implications; secondly, one normally has to choose between one's own brand of dubious morality and another actor's. Vietnam made all this very clear. Our trying to impose our will on the Vietcong and on Hanoi brought dreadful results; but the alternative (which we failed to prevent, and could not have prevented at a reasonable cost) was the imposition of Hanoi's will. Was it better for us to try keeping our commitment, would it have been better to spare the Vietnamese people the horrors of our war?

The other peril, which is sometimes much more serious, lies not in abstract moralizing but in self-righteousness. It is not the danger of inefficient idealism; it is the danger of effective hypocrisy. It takes two forms. One is ideological thinking, when one justifies one's discrete acts by the overall design, and looks at one's nation as the secular arm of a set of principles (whereas the abstract moralist wants to make of the statesman the humble servant of the idea, here the idea is at the mercy of the secular arm). Of course, as the French Revolution demonstrated, it is the latter that advances behind the shield of the principles. (The Soviet Union call wars of national liberation which it supports “just wars”; and the Brezhnev doctrine promises “friendly” intervention for Communist regimes in trouble.) The other form moralizing self-righteousness takes is the notion, so prominent in American writings thirty years ago, that the national interest is ethical by itself, that the defense of the interests of the state is automatically moral—which provides one with the ritualistic justification of absolutely anything, but begs the question of the compatibility of the various national interests. Both forms risk exacerbating conflict, adding violence to hypocrisy. What started as an ethical parade ends as a glorification of power—for without power the principles, or the “moral” national interest, have no chance of prevailing. The result is, at best, the tyranny of benevolence—expansion justified by “world responsibility” or “world revolution”—at worst imperialism pure and simple.

Within these limits, however, what can we do?

THE ETHICS OF FOREIGN POLICY BEHAVIOR

I began by rejecting the position of the unpolitical moralist, who believes that ethical judgments can be made in the abstract. All ethical judgments in politics, but particularly in this field, are historical judgments. They are, as the jargon would put it these days, contextual or situational; they are not separable from the concrete circumstances, from the actual cases. And I also reject the position which Kant called that of the political moralist, the person who wants to concoct a system of morals for
the convenience of the statesman—in other words, the adviser of the prince who whispers in the prince's ear the principles which will justify the prince's acts. This is not what I am concerned with; I have enough colleagues who have professionally been doing this, with results which are the best evidence ever given for the merits of ivory towers. The question I want to raise is the good old Kantian question: Can one, in this field, be what he called a moral politician—whom he defined as "a man who employs the principles of political prudence in such a way that they can co-exist with morals."\(^{10}\) Now this is of course a normative problem, it is a problem of *oughts*, and I know that one cannot mechanically derive an *ought* from an *is*. But one of the key necessities in this field is to avoid too big a gap between what is and what ought to be. In any system of law, or in any system of morals, there is always a gap between the *is* and the *ought*, between the empirical pattern and the norm. The gap is necessary and inevitable. If there were no gap, people would not feel any sense of obligation, or any remorse when they violate a norm. But when the gap becomes too big, the system of law or the system of morals is really doomed—to have no impact whatsoever or to be destroyed.

A skeletal outline of what ethical action in foreign policy should be like within the limits previously stated will start with some *ises*, go to some *oughts*, and end by dealing with a few objections and difficulties. Let us start with the *is*. The ethics of a statesman is and must be what Weber called an "ethics of responsibility"; it cannot be just an ethic of conviction or intentions, for all kinds of reasons. Conviction is necessary, but costs must be assessed. Intentions are normally mixed; particularly when decisions are made by groups, as they are made in most modern states. An ethics of intentions risks being one of extraordinary self-righteousness, and of the kind of callousness Weber so strongly criticized. Any moral statecraft has to be an ethics of consequences, in the sense of being concerned for the foreseeable effects. This does not mean that "whatever works is good" (whatever that means, for a key question is: For whom does it work? For the national community, at terrible costs for all others? For others, but at the expense of one's own nation's interests?). It means that the good, in politics, is not separable from its realization. The criteria of moral politics are double: sound principles, and effectiveness. A morally bad design—say, naked aggression—does not become good because it succeeds. But a morally fine one—say, a rescue operation for the freeing of hostages—does not meet the conditions of the moral politician if the details are such that success is most unlikely, or that the costs of success would be prohibitive. Politics is an art of performance; a politician with excellent intentions but incoherent or unsteady execution is not a moral politician—especially not if one effect of his clumsiness is to help far less well intentioned politicians, or politicians whose moral code is far more of the Machiavellian variety, prevail in his stead. Even a prophet-statesman, a revolutionary statesman, a Khomeini or a Lenin, and even a statesman-saint like Gandhi has to be concerned with consequences both because he is responsible to his own people and because of the bad results a neglect of consequences might have for his creed.

However, to say that he must have an ethics of responsibility does not tell you at all how the statesman will calculate the consequences. It depends entirely on the nature of his ends and on his view of his constituency. Concerning the latter: does he see himself as responsible above all to his people or to a more abstract conception of the nation (remember de Gaulle's distinction between France and the French) or to a larger community (the world proletariat, Islam, or, in Gandhi's case, the souls of his opponents as well as those of his supporters)? Does he
see himself as responsible above all to those currently living, or to future generations whose welfare or glory he is attempting to ensure? Concerning the ends, if he is a revolutionary statesman, he will define the consequences by comparing the future he wants to reach with the bad present he wants to leave behind; and since he is likely to want to leave it behind by destroying it, he will be much more willing to use force, to use evil means, or perhaps, as in the case of Khomeini, to court martyrdom for his people, than if he were just your ordinary _ad hoc_ pragmatic statesman campaigning in New Hampshire. If he is a statesman saint, _à la_ Gandhi, he will be calculating consequences in terms of the effects of the means on the purity of the ends, because his end will be radical moral change, even if the choice of means adapted to this goal slows down liberation or social transformation.

In other words, having said that the ethics of the statesman must be an ethics of consequences, we leave the normative problem pretty much intact. And here we must leap from what must be to what ought to be. The ethics of the statesman ought to be a blend of three different elements: ends, means, and self-restraint. First of all, it has to be a morality of ends because ends are of course susceptible to moral judgment; but moral judgments of ends are never simple. At first sight, doesn’t it seem obvious that certain kinds of ends are purely evil—not only according to common morality but even in a Machiavellian ethics, since they go far beyond what public safety requires: what might be called Hitlerian goals such as racial domination, the extermination and subjugation of inferior peoples, the exploitation of conquered countries, etc.? And doesn’t it seem equally obvious that a goal such as national survival is necessarily good? Soon, however, the simplicity dissolves. On the one hand, who judges the morality of the ends? What we now deem repugnant was deemed moral by a huge fraction of the German people; what we see as rightful—the survival of Israel—is judged plain wrong by many Arabs. I will indicate below how to deal with that issue—the diversity of points of view, or the relativity of moral judgments; let us just remember that it is troublesome. On the other hand, in daily politics, ends are not easy to identify. Policies defined through a collective process do not always have clear ends. Also, a statesman with very evil ends can do a masterful job of disguising them for a long time. Hitler succeeded in fooling almost everybody (except people who had read _Mein Kampf_, not a best-seller) because he moved toward his horrid grandiose ends by installments—slice by slice, with means that at first seemed limited. And even ends which look rightful on the surface, like survival, dissolve once one analyzes them. For instance, do we talk about the survival of Uganda, or the survival of Idi Amin? Do we talk of the survival of an abstract entity, let us say a Pakistan which still included East Bengal, or the Federation of Nigeria, or the survival of a concrete people that may want to secede—Bangladesh, Biafra? Bad ends can be disguised, and ends which look good may be a little bit more complicated. All too often, we find ourselves in the typical Weberian situation—a conflict between equally moral ends, for instance in civil wars involving an attempted secession, or in wars that pit against each other equally legitimate but incompatible claims, as in the Arab-Israeli dispute.

In addition to a moral test, ends ought to be submitted to two others, first of all to a test of reality. A good end which has not the slightest chance of being realized—which is exactly what characterized American policy in China in the 40’s, when we sought a democratic, united China under Chiang, and in Vietnam for many years, when we sought an independent, self-sustaining South Vietnam—is not good policy. And there ought to
be a test of priority. If an end is good, it does not mean necessarily that it should be put on top. There are, inevitably, competing objectives that may be more pressing, and morally more important.

I will attempt a more precise definition of moral ends in the next chapters, dealing with major issues in foreign policy. But precisely because the simple examination of ends is not enough, we must move from the ends to the means. A valid end does not meet the demands of moral politics if it requires a price that is excessive for oneself or for others: Pétain tried to obtain France's survival by concessions that mortgaged both French honor and French independence, just as at Munich Chamberlain and Daladier tried to save peace (and to give themselves more time for rearmament) by sacrificing Czechoslovakia. Nor is a valid end morally acceptable if it requires means more evil than the evil to be avoided or redressed. For instance, the Palestinians' original end was to redress the injustice committed against them by throwing the Israelis into the sea. A valid end can be undermined by the wrong choice of means. The goal of Israeli security is certainly a good one, but not if it has to be achieved by creating massive insecurity for the Arabs, and particularly for the Palestinians. Justice for the Palestinians is a rightful end, but not if it entails indiscriminate terror against innocent Israelis (or a presumption of collective guilt that eliminates all distinctions). In other words, international relations is an endless chain of ends and means. Today's means shape tomorrow's ends. The choice of means is particularly important either when the range of choice of ends is narrow—when the ends are almost dictated by the international situation, that is, in periods of extreme enmity, or on the contrary, when the range of choice of ends is quite broad, when the statesman can choose among ends which are all morally fairly plausible or all morally mixed (as had been the case for us in Vietnam). It is morally necessary to choose means which are not destructive of one's end through coercion or corruption; secondly, the means must be proportional both to the end, and to the importance of the end in the hierarchy of one's goals; and finally, one ought to choose means which do not entail costs of values greater than the cost of not using these means.

One must nevertheless recognize that the calculation of effects, in international affairs, is always hazardous. Because of the huge political handicap of uncertainty, a statesman can never be sure that his means will deliver the results he expects. Therefore, even an ethics of consequences needs to be saved from the perils of unpredictability and from the temptations of Machiavellianism by a corset of firm principles guiding the choice of ends and of means—by a dose of ethics of conviction covering both goals and instruments. What this entails is indicated by the final ingredient: a morality of self-restraint. The purpose of moral action in international affairs ought to be to diminish the strain of the antinomies that weigh on the statesmen and on the citizens. We are all torn between our duties as citizens and our vaguer duties as members of mankind. A morality of self-restraint entails simply taking into account the existence of the moral claims of others.

This in turn has a number of consequences. The first is the need to observe the principle of self-determination. It can be abused. There is no "objective" way of defining a nation—since the borders of many states are purely artificial, the principle of self-determination may be deeply subversive of the existing order; and when it is claimed by tribes, minorities, ethnic groups within existing nations, it seems like a recipe for chaos, in full contradiction of the trends of economic interdependence. (Every unhappy group does not have a
right to establish its own nation. Many nations are successful blends of different ethnic or cultural entities; a state that is not yet a nation deserves a chance to create one.) However, the possible excesses—some of which result from claims provoked or exacerbated by the mismanagement and brutalities of domestic systems—are no reason for refusing to acknowledge the validity of the principle itself, or for subordinating its application to a higher but ill-defined ideal of justice. Justice itself requires that the right be granted; for there is no more certain injustice than alien rule imposed against the will of a people. Self-determination is a precondition for peaceful coexistence. And if one ever wants to go beyond the nation-state, recognizing the right of people to their own nation is the first step; you cannot go beyond by avoiding it.

A second consequence is the immorality of any policy of universal domination, because it can only be imposed by force. And the last one is the immorality of any national policy of universal or very large-scale intervention (which does not mean, we shall see it later, that some interventions are not allowable). To be sure, foreign policy, especially that of great powers, cannot refrain from intervening abroad—refusing to intervene (against a tyrannical government, or by giving aid to a needy people) is itself a form of intervention. But I am referring to the more extreme forms, military or not, aimed not merely at influence but at control. They are incompatible with the right of a nation to determine its own destiny. A fuller discussion will be provided in the next chapter.

One might object that a morality of self-restraint simply perpetuates the traditional game of international politics with all its antinomies. But one must remember that the first duty of the statesman is to his own community; he is not at the helm in order to abolish the race, although it is proper to ask him to make it more moderate and sportslike. A policy that aims at protecting the nation’s interest while minimizing the risks for all others is morally preferable to a more ambitious attempt at transcending the game, which weakens the international order and leaves all nations less secure. One may also object that by equating existing regimes with the underlying (and often oppressed) nations, self-restraint actually allows the former to commit a host of injustices and to make the people a victim of their state. However, self-restraint does not mean endorsing the status quo. A diplomacy of self-restraint may be used to make the world a better place, and while it rules out attempts at extreme manipulation or imperialism, it does not rule out, as the next chapters will show, attempts at fighting a variety of injustices abroad. To show regard for the rights of others means both refraining from trampling them and helping others to rescue these rights when they are trampled or ignored.

Indeed, the ethics of the statesman ought to be guided by the imperative of moving the international arena from the state of a jungle to that of a society, because the moral opportunities available to all of us—not only to the statesman—depend on the state of the international system. Moral opportunities, in every milieu, depend on the social framework. If (as in primitive societies) integration is total, there is no moral choice at all. This is not a danger that threatens international relations. If the social framework disintegrates, there are no longer sufficient opportunities for moral choice. In international affairs they are, as we have seen, limited and pervertible—but not always to the same extent. The closer the international system is to a jungle, the closer we are to the floor of survival, the less opportunity for choice we have, the more values we have to sacrifice, the more plausible the statesman’s claim of necessity becomes, the
more we will be tempted to accept the “morality of struggle”—and either resign ourselves to endless competition, or put a moral dressing on it, in either case restricting our duties to our own community and, at most, to its supporters or clients. On the contrary, the more moderate the system is, the greater the range of moral choice for all of us, the greater the possibility for the statesman to look at the world in terms other than us vs. them—to try to move from what I called a Machiavellian morality of public safety to a more universal morality that accepts the rightful claims of others; so that the question: right or good for whom? is no longer answered: exclusively for the statesman’s community.

In a sense we have gone back to Kant in two ways. First of all, he was not wrong to believe that if one wants to move in that direction, one prerequisite is domestic: what he called constitutional government. Not necessarily because the people are always for peace, whereas autocrats are for war. We have seen imperialistic and bellicose democracies. But domestically repressive governments often promote immoderate statecraft outside and need outside successes to maintain their grip inside. It is much more likely that moral judgments on ends and means will be observed if there is a certain amount of popular control over what the government does. All of the precepts I advocated suppose a great deal of public discussion, a very limited amount of secrecy, a very limited possibility of cooking up Machiavellian schemes in the dark. A morality of self-restraint is compatible with liberal nationalism. It is incompatible with the kind of nationalism that developed in many nations by the end of the nineteenth century, but was at its most acute in countries which had no constitutional or representative governments.

Secondly, the guidelines I have listed can exploit the two “oughts” which I think emerge from the present international situation. All states want to survive in a nuclear world, and all states, or almost all, need each other for their own economic and social development. It was Kant who predicted that nations would move toward peace not because of the moral will and virtue of human beings, but because of the terror of modern weapons, and because of greed—people being dragged to the good by the horror of modern war and by material need. Those two concerns—survival and interdependence—are the only tenacious, uneven, contentious common threads.

This sketchy discussion raises two categories of questions or objections. I have been talking about rules of behavior. The first question is: Rules for whom? There is a horizontal aspect to the question, and there is a vertical one. The horizontal one is the old dilemma of relativism; the values and directions I have suggested are not accepted by everybody. I have pointed out that conflicts of ethical codes characterize international affairs. The solution to this is certainly not to accept relativism and give in. For giving in simply means refusing to judge, and that means not merely accepting the validity of all codes, but in effect yielding to the strongest, neither of which is acceptable. One has to recognize the diversity of values, and the close connection between them and a society’s social structure and culture—another reason for self-restraint and prudence in acting abroad. But then one must go on and make one’s own decision—a step both necessary and arbitrary. It is necessary to protect and promote one’s own values if one believes in them, especially when one deems some other codes to be destructive of all values; and it is arbitrary, because no system of values can claim to be the only good and true one; but so be it. One must not confuse tolerance for diversity, and for those values of other people that are merely different from ours, with the acceptance of practices and policies.
that violate our notion of humanity. To do the latter would mean abandoning "the element of universalization which is present in any morality." If the values we try to promote are values which make the coexistence of peoples and value systems possible, there is no need to be ashamed of it. In two cases I mentioned earlier, the Germans in the 30's and the Arab-Israeli dispute, the answer certainly is not relativism—"all claims are equally valid." The solution, quite simply, is that one had to resist the Nazis, whose code required the destruction of "inferior" races and value systems, but without exterminating the German people; and that should have had some consequences on how one ought to have waged the war. And one ought to recognize Israel's existence and security needs, but not at the expense of justice for the claims of the other side.

The vertical dimension of the question of "rules for whom" is the problem of cosmopolitanism. Are the rules of moral conduct I have been trying to suggest rules of behavior among governments, which define rights and duties of states such as the respect of treaties, or the equality of states, or the principle of collective security? Or are they also rules of behavior for the benefit of the citizens of other states? If you want to rephrase the question, do states have rights because they are states, independently of what happens inside them? Or if you prefer to rephrase it in a different way, already mentioned above, justice for whom? Are we trying simply to define rules of justice for the states, or for the people? This is a very controversial question; it opposes, as one author puts it, the traditional international law conception of the morality of states, "states, not persons, (as) the subjects of international morality," versus what could be called "cosmopolitan morality," in which the only real beneficiaries of rights and holders of duties are persons. My answer would be that it has to be a mix of both. There is justification for the morality of states. States have rights and duties as the main actors in world affairs. The relation between the rights of a state and the degree to which the state or the regime is based on the implicit consent of the persons that live under its jurisdiction will be explored later. But insofar as each national group is deemed to have the right to organize its own state and to exert autonomy through it, the state benefits from the presumption that it is the expression of the national wish to independence. We have a right to be French and not Germans, to be Americans and not Soviets, to be Afghans and not a mere republic incorporated in big brother's domain. This is the foundation of the state's rights and duties. The Pol Pot regime was quite illegitimate at home—it is the least one could say—but still Cambodians are entitled to form the state of Cambodia, and not a province of Vietnam.

On the other hand, it is clear that there is a relation between the rights of individuals and the rights of states. The latter are not unlimited and unconditional. States are artificial constructs. Also, statesmen affect by their behavior the lives of people abroad; and even though there is not yet any community of mankind, we in many nations that are not closed off begin to be affected by germs of cosmopolitan consciousness. Many of us are becoming a little more than pure nationals to whom other men, being foreigners, are nothing. In other words, we are in a period of transition, in which there are twin dangers. One is to neglect the cosmopolitan germs—and therefore to treat states as if they were indeed totally sovereign or absolutes. But the other danger is to destroy those germs of cosmopolitanism either by advocating sweeping cosmopolitan measures while forgetting that their enforcement depends on the existing states—a sure way to insure their evaporation or distortion; or by removing too soon the protection which
statehood provides to citizens against domination by foreigners. For the real choice for most of us is not between being, say, Americans and being citizens of the world; it is a choice between being Americans and being somebody else’s satellites or victims.

The second set of questions is not rules for whom, but what kinds of rules. This has a general and a specific focus. The general question could be phrased, “interest versus morality.” If the statesman is bound to the interests of his state, if he must be selfish for the state’s survival, security, and interests, can one really talk about morality at all? Is not the best one can hope for a kind of relaxed Hobbesianism? One should not exaggerate. Selfishness and total disregard of moral restraints are not synonymous. Even Weber wrote that he admired the statesman who, having reached a certain point, says: here I stand, I can do no other. It is true that state altruism is not very frequent, nor can it always be commended because, after all, the statesman’s duty is to look after the interests of his people. However, all statesmen have a tendency to justify their acts in moral terms and not in those of Machiavellian morality, but according to standards other than Raison d’Etat; even in Thucydides, when statesmen, in their speeches, argue about their respective positions and ambitions, they reason in moral terms of rights and wrongs. This is more than a tribute of vice to virtue. It is an acknowledgment of the fact that statesmen find a need to go beyond mere Hobbesian behavior. Moreover, the ways in which statesmen defend their nations’ interests vary a great deal. They very often include moral considerations in defining the national interest, by adding milieu to possession goals, by making long-range considerations prevail over short-term gains. Also, it is quite possible to show the bad impact of either recurrent immoral behavior or shocking evil conduct on one’s interest. It was not good for the interests of France and Britain to have behaved at Munich the way they did. Nor did Hitler’s methods found a thousand-year Reich. Only if one took the position that the sole genuine morality is that which requires selfless behavior, would the gap between interest and ethical action be unbridgeable. But “it is quite unrealistic to force onto . . . anyone . . . an exclusive disjunction between the prudential and the moral,” precisely because these two categories “leave out, in fact, almost everything” about human motivations. The conflict between interest and morality should not be dramatized, and the task of moral politics is to bring the two together.

The more specific question is: what criteria of moral judgment are appropriate for international politics? There is a debate between utilitarians and champions of Kantian morality or, if you prefer, an ethics of rights and duties, “Thou shalt do this” or “Thou shalt not do that”—categorical imperatives. Utilitarians have a prima facie strong case. They can argue as follows: If the sad necessity of international relations is that one must make morality and interest coincide, and also that one must always weigh the consequences of what one does, would not then the ethics of international relations be necessarily utilitarian? Should not the statesman aim at the greatest good for the greatest number, at the greatest happiness, or the long-term utility as decided by rational people? Is it not more fitting than the morality of absolutes, of the categorical imperative, or the Decalogue?

This is not necessarily true, even though happiness and utility are obviously worthy goals. To say that the statesman must calculate consequences, that is, worry about how his precepts will be realized, does not mean that the precept must be the calculus of happiness. Why should it not be a calculus of the best way of promoting a fundamental right or of ensuring a categorical prohibi-
tion? Only if it could be shown that such rights or prohibitions cannot be enforced except at disastrous cost would the utilitarian preference make sense. Utilitarianism is an ethics of consequences; that does not make it the ethics of international affairs.

Moreover, the criteria on which it relies are quite problematic. In a sense, they beg the key question of foreign policy behavior: whose (greatest) good is the statesman enhancing? In a pure "state of war," there is no general standard of utility—see Rousseau again: it is only the happiness of his own "pseudo-species" that the statesman can worry about; for in situations of total enmity, what is useful to me cannot be useful to my enemy. If the competition relaxes, there is still a danger of my trying to impose my notions of happiness and utility on you—and as Kant has shown they are far more subjective than considerations of basic rights and wrongs. Statescraft, quite properly, often gives priority to other concerns: one can argue that only when basic issues of legitimacy, authority, and freedom are settled is the road to a politics of happiness or welfare open. Moreover, different kinds of utility or disutility are nonfungible, and policy decisions must take into account many nonquantifiable, noncomparable elements; the effects of different kinds of decisions on happiness and utility are equally hard to assess and to compare. In other words, there is no substitute for a weighing of alternatives, and utilitarianism, far from providing easy guidelines or shortcuts, tends to become excessively rubbery, to split into infinite varieties, and to breed an exuberant casuistry in its attempt to encompass an unmanageable reality. It ends up often as a vast exercise in ex post rationalization, and it is open to the criticism that in its emphasis on "simple-seeming . . . calculation," "it often appears to imply that" dubious acts, "apart from their resultant harm and benefits, are in themselves neutral."\(^{15}\)

In international affairs concerns of order and status, honor and trust, safety and ideology are either prior to considerations of pleasure and pain, or impossible to translate into calculations of happiness and utility. Here such calculations are especially uncertain; we are in the domain of uncertainty. Utilitarianism is better at giving one a good conscience than at providing a compass. The answer to the question must therefore be one which is very unsatisfactory for philosophers (but as I said earlier I am not one of them). The morality of international relations will simply have to be a mix of commands and of utilitarian calculations. The commands cannot be followed at any cost; "Thou shalt not kill" or "Thou shalt not lie" can never be pushed so far that the cost clearly becomes a massive disutility to the national interest (how much of a disutility is bearable depends on alternatives, on the statesman's conception of the national interest, and on the nature of the system). On the other hand, purely utilitarian ethics simply cannot cope with the complexity and the shortcomings of the calculations statesmen must make; the advantage of imperatives is that they provide at least a sense of direction.
The Promotion of Human Rights

WHAT ARE HUMAN RIGHTS?

When one looks at the problem of human rights, one finds the most acute example of all the incompatibilities between ethics and international politics, for the reasons mentioned in the first chapter. The structure of the international milieu which limits opportunities for moral action, the conflicts of value systems which result in very sharp disagreements on conceptions of human rights and on priorities, the difficulties of assessment and evaluation are all manifest here and lead repeatedly either to failure, or to confrontation, or to distorted uses of the human rights issues for purposes of political warfare at home or abroad.

It is also the most acute example of the clash between an ethics of imperatives and an ethics of consequences. In the matter of human rights, absolutes are largely or frequently counterproductive; on the other hand, an ethics of consequences is not very satisfactory either, because the effects of one’s moves in this realm are extremely uncertain and often quite poor. Finally, this is one of the best examples of the collision between man as a citizen of his national community and what could be called an incipient cosmopolitanism, or man as a world citizen. When we deal with human rights, we are in the typical problem of the in-between—moving toward Kant’s notion of cosmopolitan law, yet held back by the
fact that the chief actors in world affairs are the states, frequent violators of human rights. It is therefore not surprising that a number of distinguished writers have thrown up their hands: "if our government should set out to pursue moral purposes in foreign policy, on what would it base itself? ... Are we to assume that it ... knows what is right and wrong, has imparted this knowledge to the people at large, and obtained their mandate to proceed to bring about the triumph of what is right, on a global scale?"

I will start by examining the nature of the problem: What are human rights, and what are the pros and cons of a human rights policy? Then I will suggest what can be done about it. In dealing with the nature of the problem, the emphasis will not be specifically or primarily on the American human rights policy of the last few years, although for obvious reasons it provides probably the best example of all the difficulties and pitfalls.

When we ask: What are human rights, we have to review a number of subjects: first, a number of philosophical discussions on the nature and origins of human rights, next the question of what rights, and last, the status of these rights.

The philosophical discussions about the nature and origins of human rights are learned, complex, and fascinating; it can certainly be argued that before a statesman decides to make a national goal of their promotion he should have a firm moral theory about their essence and their foundations. But much of the literature has a tendency to overcomplicate what is already a formidable subject. On the nature of rights, the most appealing notion is Maurice Cranston's idea of just entitlements. If one is lucky and lives in the right kind of state, human rights can be positive rights, rights that people actually enjoy, but when one talks about human rights one ordinarily refers to rights which one can claim—not legally but morally—even when they are not positive rights. They belong, as Cranston puts it, to the category of what ought to be and not just to the category of what is. We are in the normative domain. Also relevant is the notion that when one refers to human rights, one mentions something which is a little stronger than ordinary rights: something that cannot be defeated by "an appeal to any of the routine goals of political administration, but only by a goal of special cogency," in Ronald Dworkin's phrase. Another philosopher worth mentioning is Thomas Scanlon, with his remark (which is historically correct) that human rights developed as responses to specific threats, and are essentially demands on social and political institutions.

If one moves to the origins of human rights, one has to distinguish between historical origins and philosophical foundations. Historically, they are inseparable from the development of the modern state, from secularization, from the evolution from status to contract in the West; also, they are inseparable from the extension of Western forms of government and constitutional systems all over the world. In that respect, the UN Charter is an interesting document, since it was adopted by all the nations and mentions the promotion of universal respect for and observance of human rights among its central purposes.

Philosophically, as usual, there is no agreement on the foundations. None of those mentioned is likely to be entirely satisfactory to everyone. One foundation is the Lockean theory: human rights are natural rights derived from the Law of Nature, a law of reason that imposes constraints on what individuals can do to one another, and protects the life, liberty, and possessions of equal and independent human beings. Such rights are inherent and inalienable. It has been objected that this theory cannot serve as a foundation for many of the
rights which are now recognized as human rights, either because inalienability is a culture-bound Western concept, or because the notion of natural rights implies that they must be both universally valid and belong to individuals (which is not the case of many of the rights proclaimed by current international agreements). But that would be true only in a Protestant perspective, not, for instance, in a Catholic one, in which rights belong to individuals in communities, and in which there is a difference between the individual and the person. The main problem with the natural rights foundation is that not everybody accepts the natural law tradition, even secularized.

A second possible foundation is not the Lockean but the Humean one: human rights derive directly from man's humanity and sociability. The problem with this is that it is pretty vague. One knows just by looking at a variety of societies that humanity and sociability are compatible with all kinds of behavior, not all of which are very attractive. A more recent idea is that human rights are “entitlements to the satisfaction of various human interests that would be guaranteed to members of the group by principles of social justice appropriate to the group.” This is not a satisfactory answer, for it raises but fails to answer the next question: Where do those principles of justice come from? If they are no more than principles which “express the conditions under which social institutions may be regarded as morally legitimate” in a group, and are related to the distribution of social benefits and burdens, aren’t we relativizing and particularizing human rights ad infinitum, and moving from the natural law extreme to the other—to what might be called the anthropological—extreme? I am afraid that we will have to leave the question of philosophical foundations hanging in the air—not because there are no coherent moral theories from which conceptions of human rights derive, but because no single theory is universally accepted. For our purposes, it is enough to know that there is universal recognition of the idea of human rights—and disagreement about practically everything related to them.

This becomes obvious when we move to the central problem: What rights? It has to be divided into several questions: Whose rights? And what is their substance?

Concerning “whose rights,” there are obviously different traditions. In the Western tradition we talk about the rights of individuals; the typical human right is the liberty of the person; the first of the great postwar documents, the Universal Declaration of Human Rights of 1948 is strikingly Western; it lists exclusively the rights of individuals. However, even in the West, over the last century, there has been increasing recognition of rights which are assumed to belong not to individuals but to specific groups—unions, minorities, women, national liberation movements, states. This culminated in the two United Nations covenants of 1966. The first article in each of them consecrates the peoples’ right to self-determination. (It carefully avoids defining “peoples” for a very good reason: it could not have succeeded.) This marks quite an evolution from the earlier declaration. But this debate, which fills so many pages, on whether human rights are necessarily rights of individuals or can also be rights of groups or communal rights is perfectly absurd: in both cases we are dealing with the rights of individuals; individuals exist both as human beings—I was going to say as abstractions, as universals, as persons endowed with reason, feelings, and a moral instinct—and as members of a variety of collectivities whose own existence is indispensable to the individuals’ fulfillment. We may emphasize either the general or the particular, the abstract or the concrete; but neither makes full sense without the other.

The next question has also been the cause of a
great battle. What substantive rights can individuals morally claim? There is a noisy debate between those who believe in the superior status of personal, civil, and political rights on one hand, and those who believe in the equal or even superior importance of economic and social rights. There are two United Nations covenants, one for each group. Those who believe in the superior status of personal, civil, and political rights point out that they are all rights against the state, rights which limit the state and require its abstention, and that they are therefore, so to speak, cost-free. No state, at whatever level of development, has really any excuse for not granting them, precisely because this requires mere abstention—whereas the granting of economic and social rights may well be beyond the capacity of many governments (full employment, for instance). As one of the defenders of this particular tradition puts it, rather excessively, it is only when these rights are secured that one can even begin to address economic and social needs. Needless to say, this is exactly the opposite of what a good Marxist would say—and even many people—including Rawls—who are not Marxists, yet who believe that political, civil, and personal rights are mere empty forms if one has not done something first about the economic and the social needs of individuals and peoples. This is the view of many Third World experts and lawyers, and much of the Left in the West. In other words, one needs a floor providing for basic human needs before one can even begin to talk about freedom from the state or freedom to participate in the state.

How deep is the split? How important is this debate? It is politically significant; intellectually, one should beware of turning nuances into abysses. The separation between the two kinds of rights has been considerably exaggerated; the distinction is much less deep than many of the arguments in the literature suggest. Both categories of rights, the civil and political as well as the economic and social ones, require from the state a mix of abstention and action. Each one of them, whether it is called a political right or an economic one, demands in effect that the state stop or refrain from doing certain things, and provide certain things. To take the case of one of the supposedly archetypical personal or political rights, the right to a fair trial requires that the state set up positive institutions. And, to take an almost archetypically economic right, the right to join unions, it requires that the state abstain from doing what it does in so many nations of the present world, which is interfere in the labor field so as to prevent the organized expression of grievances. If one starts with the notion of personal integrity as the essence of human rights, clearly it requires both freedom from torture, from arbitrary imprisonment, from slavery (which are all civil and political rights), and freedom from famine as well as the existence of adequate health conditions (which are economic and social ones). As one student of the matter has put it, all human rights entail three correlative duties from the state: first, the duty to forbear from depriving people of those rights; second, the duty to protect the holders of those rights against deprivation (and these duties can be seen as universal); third, the duty to aid persons to obtain the rights of which they are deprived; this one is less universal simply because the conditions for fulfilling it are not always met. But this does not mean that social and economic rights are not human rights—only that (as the covenant concerning them indicates) the duty of governments is to go as far as it can toward the goal of full achievement, instead of being an immediate obligation as in the case of the covenant on civil and political rights: "that language indicates that fulfillment of economic and social needs may be both an immediate ideal and ultimate right."
This debate is very often presented in terms of value-relativism; such an argument is being made, both in the West and in the Third World. Many spokesmen for Third World countries complain about the Western stress on political and civil liberties; the West, as they see it, tries to impose its own ethnocentric notions on the underdeveloped countries, and makes absolutely impossible demands on countries which are still below minimal subsistence conditions. To require of states which are struggling with misery and chaos the full protection of civil and political rights is resented as a form of cultural imperialism. Interestingly enough, the same argument is sometimes made in the West by people like George Kennan who ask why we should demand of these people that they have the same high standards that we do; they simply are not up to it.

The reality is somewhat different. The Third World complaints conceal a great deal of apologia for evil practices which are being rationalized as inseparable from a low level of economic development without any evidence to prove that this is true. There is no clear correlation between economic development and political rights; the argument that one cannot promote personal and political rights as long as one has not reached a certain level of development is simply not provable, and is oversimplified. A look at the world reveals that the achievement of a more advanced level does not ipso facto lead to the granting of political and civil rights in states where those rights have been denied (cf. South Korea); it also reveals that the denial of these rights often leads to the kind of economic development in which many of the rights listed in the covenant on economic, social, and cultural rights are suppressed (cf. Brazil). “Economic development at the price of political oppression has not helped the majority in most countries.”

Kennan’s argument conceals not so much bad conscience as a form of paternalism—manifest when, in a recent book, he asks why Africans have not done in Africa what was done by his Scandinavian ancestors who turned Wisconsin into a blooming state. On the other hand, the Western argument about the superiority of political and civil rights is often simply a rather round about way of defending the market system. The fact is that there is a growing movement to support both kinds of rights; this is one of the proofs of this incipient cosmopolitanism I was referring to. Certain forms of behavior, whether they are political and civil or economic and social, are deemed unacceptable anywhere, and the cultural differences which certainly exist do not justify a sharp split. This is perfectly confirmed by the legal and factual evidence available. Even in countries like the Soviet Union and China, there has been a growing demand on the part of certain groups for political and civil liberties—just as there had been a demand for economic and social rights in the capitalist countries of the West earlier.

This does not mean that there is nothing at all to the division between the two kinds of rights. But the real distinction does not stem from cultural differences (these are rationalizations or escapes); it is about the role of the state. Even though all human rights require the state to do certain things—that is, to act and not just to omit acting—this notion in itself is rather ambiguous, because many of the rights (particularly the political and civil ones) require the state to do things which will limit its powers, whereas many of the other rights, and particularly the economic and social ones, actually build up the state. It is true that the right to fair justice requires that the state provide an independent judiciary and adequate procedures, but the things which the state must do are actions for self-limitation and self-denial. The same could be said about maintaining a free press or a disciplined police. However, economic and social rights can
only be assured if the state supplies certain kinds of services and benefits for the citizens. There is therefore, in fact, a potential conflict with the personal and political ones, for the emancipation of the individual from traditional social and political constraints has been, as Tocqueville recognized, inseparable from the growth of the modern state, the development of its bureaucracy, the expansion of its scope, justified by the state’s mission of providing the citizens with the means to move from poverty to prosperity, from low horizons to happiness. This build-up of the state, in turn, threatens “the individuals’ ability to behave as autonomous subjects,”14 deprives them of meaningful, that is effective, political participation, and affects the independence of groups or the chances of cultural diversity within the state. Thus the problem with the economic and social rights is that they may help the state grow so large as to threaten the political and civil ones. And the problem with the political and civil ones is that they are indeed very often quite indifferent to economic and social reality. As usual, in practice one must try to find some accommodation.

The issue of value-relativism in the field of human rights is of course not limited to the debate between champions of these two kinds of rights. There are cultural differences, most graphically expressed in different notions and methods of punishment upheld by different societies (Americans are frequently appalled at Islamic standards and customs). But “in making allowances for cultural and national differences, one must beware of the danger of sliding into a vulgar relativism, which maintains that the practices of a society can only be evaluated within the terms of its own culture—that no external criterion of judgment can be brought to bear upon them.” Not only does this view “erode the moral basis of transnational efforts to promote human dignity,” but it conveniently obliterates the fact that most cultural traditions, albeit in different ways, converge on the same principles: there are “criteria derivable from all major ethical systems and acknowledged in many national constitutions.” What is true is, first, that this general consensus conceals vast violations; but there is an equally vast difference between recognizing cultural differences, and accepting violations “clearly destructive of human dignity, wherever they occur.”15 Secondly, there are disagreements about priorities and about the specific, local meaning of a given practice. But this only reminds us, once more, of the danger of moralizing in the abstract, of the need to look at context and consequence, of the need to compare the costs of the practice and the chances and costs of alternatives. Prudence and abdication are not alike.

The last question about human rights concerns their status. One has to distinguish between their legal and their moral status; and here one is again in the realm of ambiguities. Legally, there is by now a rather impressive network of international documents; they have served, for instance, as the basis for President Carter’s policy. The main elements are the two United Nations covenants, which are treaties, the American Convention on Human Rights, which came into force in 1978, and the European Convention, which goes back to 1950. However, if one looks closely at these documents, neatness disappears. Some of them have rather dubious legal status. About the most sweeping, the Universal Declaration of Human Rights, there is still disagreement as to whether it is merely a solemn statement of good intentions or whether it has already become customary law. This is even more true of the Helsinki declaration of 1975 which does recognize human rights in its Principle VII and in the long and detailed section of its Final Act that deals with cooperation in humanitarian and other fields. It is a declaration, not a treaty. In addition, some of the
statements in these legal or quasi-legal documents are perfectly contradictory. The Helsinki agreement proclaims that the participating states will refrain from any interventions, “direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating state.” Furthermore, the legal texts are not universally valid: the United States never ratified the two UN covenants, nor the UN convention on genocide. Finally, most of those documents, even when they are treaties, when they have been ratified and have entered into force, are extraordinarily deficient with respect to enforcement procedures. For the covenants, there is a fairly weak procedure of reporting by governments; the covenant on civil and political rights also set up a complaint procedure by individuals which has not been accepted by many states, which must meet a formidable number of requirements to be admissible, and which leads to very little even when admitted. The Inter-American Commission on Human Rights can investigate and report but that is all. The only effective legal mechanism—that of a commission and a court to which individuals can appeal under certain conditions—is the one which exists in Western Europe, which is of course the area that needs it least. Thus if one looks at the legal status, one is obliged to conclude that human rights are of a transitory nature. They are no longer clearly within the domestic jurisdiction of states, but their universal protection is not quite, it seems, a part of the effective international law even by comparison with the rest of international law.

Examining the moral status of human rights leads to a familiar conflict. If we consider human rights to be a domain of moral obligation pure and simple, then we have very extensive duties indeed. As one author puts it, no state can excuse itself by saying, for instance, “We have to continue giving economic or military aid to a swinish state because if we don’t give that aid somebody else will.” In fact, we would have a duty to twist the arms of those who would step in and give to such a state alternative economic and military aid—unless it could be demonstrated that such pressure on our part would be ineffective or endanger the rights of Americans. A mere risk of ineffectiveness would not be enough. There is a second duty, if you think that this is a realm of categorical imperatives: the duty, as Tom Farer puts it (see n. 12), of reasonable consistency. Countries which are alike should be treated alike. We must have clear standards, because inconsistency, resulting from the introduction of nonhuman rights considerations into our treatment of other states, “shreds the moral fiber of the principles a state has proclaimed,” and provides splendid opportunities for self-righteousness in the target countries.

However, if one places the problem of human rights in the realm of real international relations, things are much more difficult. The first question is: Can one really give equal importance to all these rights? Think of former Secretary of State Vance’s celebrated Law Day speech of 1977, in which he enumerated all the human rights to which we are committed: it is a formidable list. Can one in practice demand of states that they meet standards which even the United States does not fully reach? (I am alluding to health care, mentioned by Mr. Vance.) Once one starts saying that it is not possible to give equal importance to all, there is no agreement among authors on which ones are the basic rights. Divergencies among moral theories, disagreements about foundations have their effects here. Farer (a strong defender of economic and social rights) would make of the individual’s rights to physical security the categorical imperative. Jorge Dominguez puts on the top of his list “a people’s right to life and health,” which cuts across the great divide and includes both the right to be free of
torture, arbitrary execution, and political massacre, and freedom from famine and epidemics.

A second question is far more devastating. Even if one could agree on which of those rights should be promoted first, what about the trade-offs? In other words, can one make of human rights the priority of priorities, as if foreign policy were nothing but the execution by a state of its legal and moral obligations (which would be a very novel notion indeed)? If one looks at the intimidating list of trade-offs presented by Ernst B. Haas, one realizes that it is not simply a choice between the selfless goal of promoting human rights abroad, and the selfish goal of selling arms to or buying strategic commodities from a repressive regime. It can be a choice between attempting to enhance these rights now—at the risk of increasing violence, social disruption, or international tension—and preserving a situation or an evolution that might lead to smoother progress for them later. In other words, human rights are neither the only possible goal of a foreign policy, nor even the only possible moral goal of a non-Machiavellian foreign policy.

FOR AND AGAINST A HUMAN RIGHTS POLICY

Why should there be a human rights policy nevertheless? There are three kinds of arguments. The first are derived from legal obligations. The issue is admirably joined in the Inter-American Commission on Human Rights' report on Argentina. It recognizes that, given the government's obligation to maintain public order and repress acts of violence, the existence of widespread anti-government terrorism justifies temporary restrictions on human rights, in the case of "extremely serious circumstances." However it is equally clear that certain fundamental rights can never be suspended, as is the case, among others, of the right to life, the right to personal safety, or the right of due process"; "each government that confronts a subversive threat must choose, on the one hand, the path of respect for the rule of law, or, on the other hand, the descent into state terrorism." These are strong arguments; but they say nothing about the intensity with which outsiders should go about insuring the protection of these rights, and they say nothing about the means. They simply say that state authorities have violated fundamental legal obligations.

The second argument is moral. If one believes that human beings are moral beings, endowed with a conscience, and entitled to live in conditions that allow them to strive for the "good life"; if one believes that society ought to be organized in such a way as to provide all members with the opportunities for personal and moral fulfillment; if one considers that the state's role is to protect such a society where it exists, and to help remove the social obstacles to individual fulfillment where they prevail; if one is convinced that the deep cultural, social, and political differences that underlie mankind's division into nations, peoples, religions, language groups, etc., and above all the borders that separate states, while ensuring the diversity of the ways in which fulfillment can be sought and the difficulty of establishing or enforcing common standards, nevertheless do not deprive any person or group of the rights that derive from their nature as living, feeling, and thinking beings; if one asserts that the fundamental conditions without which fulfillment is not possible constitute the subject matter of human rights, that is of the "just entitlements" mentioned above, then it becomes impossible to pretend that these rights are merely issues of domestic jurisdiction, an affair between the state and its citizens. For this is tantamount to making absolutes of states and
borders—a position that either eliminates moral considerations from international affairs, or relegates them to the relations among states, and thus turns states into quasi-persons, even though their legal as well as their moral standing derives fundamentally from the consent of the citizens. To be sure, as we saw in the previous chapter, only the principle of self-determination, not the principle of constitutional, democratic government, is constitutive of the present international order; foreign states are not entitled to intervene by force in order to create or restore internal legitimacy in a given country. But the network of legal obligations mentioned above is both the consequence of the moral conception I have outlined, and the basis for legitimate international concern. This concern extends to denials of a people’s right to self-determination as well as to denials of a variety of individual and group rights which are essential components of internal legitimacy.

The third set of arguments, more political (and therefore those with which a political scientist is more at ease), are arguments from world order concerns. In the world as it is, there are increasing threats to human rights because governments have increasingly large means of repression at their disposal, because there is an increasing disproportion between physical and economic resources on the one hand and population on the other, and because the scene is absolutely filled with situations of economic, social, and political instability. “There is nothing new about man’s inhumanity to man... What is new is the known scale of violations” —and what is clear is the risk of a vicious circle of repression and violence. Therefore if our purpose, as I suggested it should be, is an international system of moderate relations, we must remember the connection between the way in which governments treat their own people and the way in which they behave outside. This is one of the clearest lessons of recent history, and in particular of the thirties, when Western democracies, including the U.S., were trying very hard to convince themselves that what Hitler was doing with his own people, and especially with the Jews in Germany, really did not mean that he would be equally ill-behaved outside. Moreover, when there are widespread domestic conditions of misery and tyranny, the level of international conflict risks becoming extremely high—first of all because those conditions always incite external intervention; and secondly because they also incite leaders to try to find external diversions to internal misery or chaos. There is no way of isolating oneself from the effects of gross violations abroad: they breed refugees, exiles, and dissidents who come knocking at our doors—and we must choose between bolting the doors, thus increasing misery and violence outside, and opening them, at some cost to our own well being. Or else these violations will breed revolt against them, and our own enterprises, or our own security interests, will be affected, if the country in turmoil is one with close links to our own. One can argue quite convincingly that it is precisely a nation like the U.S., with its almost magical fondness for “stability” abroad, that has an interest in defending and promoting human rights there; for if in the short run stability and the status quo appear twins, in the long run regimes of repression and misery will become centers of turmoil and opportunities for “destabilization.” In the long run, stability requires—for the U.S.—what might be called progressive change. Or else we shall be caught in an infernal cycle between attempts to perpetuate the ugly so as to defend our interests, and violently anti-American explosions.

But once all this has been said, one also has to be extremely clear about the problems and the obstacles—something which has not always been true in the Carter administration. The case against a human rights policy
amounts to saying that it cannot be done well for fundamental reasons, and that therefore the attempt at doing it at all risks making things worse off than before. So we might as well give up, or divorce information and evaluation from policy-making. There are, on this side, three rather powerful arguments, an argument about who should pursue such a policy, an argument about its purposes, and an argument about its results. The first argument (in which all who have read Niebuhr will recognize his thoughts, although he died before human rights policies were on the market, so to speak) is an argument about arrogance. Who is good enough to wage a battle for human rights? I feel that “well-ordered crusades should begin at home.”\(^{24}\) Before one goes chasing violations outside, one ought to take care of one’s own domestic problems, of one’s own minorities, of one’s own immigration policies, of one’s own treatment of foreigners, of one’s own willingness, or rather very frequent unwillingness, to let refugees come in, of one’s own economic patterns and policies that make the fulfillment of basic needs abroad more difficult and tie an impoverished “periphery” to a bloated “center.” Moreover, even if some nations or some people may think that they are good enough to take up the fight, does anybody really have the skills for reforming others? It is not only a question of being good at heart, it is also a question of knowing how to reshape the institutions and policies of other countries. We are in a quandary: from abroad, we can neither rely on the culprits themselves, that is, on the powers that be, and that are the causes of the trouble, nor put in their place humane and wise alternatives acceptable to the people in question, safe from corruption as well as competent.

The second argument is about purposes. It is not enough to agree on the need for a human rights policy; there are four possible goals which are not at all identical.

One goal is quite simply to help victims; this has been dismissed recently by a man who has the rare distinction of having been a teacher both at Syracuse University and at Harvard, and who is now the senior senator of New York, Daniel Patrick Moynihan, as “humanitarian social work.”\(^{25}\) I would not be quite so contemptuous. Helping victims obviously is not bad, when one thinks of Cambodia, or of Soviet Jews, or of the victims of torture in Latin America. But the question it raises is, again, one of possible disproportion between the means and the end. Just to reach the victims may require shaking heavens and earth; can one really afford this? A second goal which had sometimes been mentioned by members of the Carter administration when they were on the defensive (for instance when they gave a seminar at a university), is general consciousness raising. The advantage is that it is much less costly; you do not have to ask yourself whether you actually help the victims. You please yourself (or you douse your doubts) by saying that your aim, by raising general consciousness, is to make some people feel badly about what they do, and to make them fear what will happen to their reputation and ties to you if they keep doing it. The problem is that you never know how long the consciousness will remain raised if you do not do more than consciousness raising.

The third argument, which is that of the distinguished senior senator from New York, (although he is not a paragon of clarity in the matter) is that the policy should advance the national interest. Fine; but this is either tautological or misleading. If a nation pursues a human rights policy, it means that it has decided that the protection of those rights abroad is in its national interest. But there is a big difference between asserting that this is indeed the case—that the best way to enhance the nation’s security, prosperity, and values abroad is to promote human rights in the world, on the basis of the
arguments outlined above—and deciding that such promotion will be undertaken only in the specific cases when it directly and demonstrably contributes to the power and prestige of the nation in the world. The first interpretation entails precisely the coincidence of interest and morality, or, if you prefer, the lofty and nonselfish view of interest I discussed in the first chapter; the second uses morality as a selective tool of selfish policy. What happens in that case to the universality of morality, or even to the essence of morality? Does one not become, to go back to Kant, a political moralist rather than a moral politician?

The last goal, the most ambitious, also sometimes mentioned by Mr. Moynihan, is to change evil regimes. A noble ambition. But which ones? All of them? How? And if it cannot be all, which ones will one select? There is a fierce debate in the literature about whether we should try only to change totalitarian regimes, which usually means the Russians (one normally forgets about the Chinese in this discussion, now that they are our friends against Moscow), or whether extremely authoritarian regimes are equally evil. Those who read Commentary, or Mr. Nixon, or Mr. Kissinger’s latest writings, know all the reasons why authoritarians are supposedly better than totalitarians: because the former “provide some human rights” whereas the latter “deny all,” because totalitarians can never become good whereas authoritarians can; or because these happen to be our friends, and the totalitarians are our actual or potential foes. But if one reads Tom Farer, or the reports of the Inter-American Commission on Human Rights which he now heads, one will find very good examples of governments which are “merely” authoritarian but just as unsavory or unimprovable as some totalitarian ones. When it comes to economic and social rights, totalitarian regimes are not always or necessarily worse than authoritarian ones. And while the scope of civil and political repression may be greater in totalitarian states, it is often a matter of degree, not essence. To wait until authoritarian ones reform or collapse is of little help to victims.

The final and most serious argument concerns effectiveness. A human rights policy may be justified in its principle and clearly focused on a goal. But can it be effective, and what happens—to it, to the initiating state, to the international system—if it cannot? It is an argument in three stages. First of all, at a minimum the policy will corrode morality by inconsistency. States normally resort to a case-by-case approach, and in each such instance the problem of trade-offs becomes dominant, for there is an incompatibility between the human rights priority and the competitive dimension of international relations. In other words, we are engaged in battle against an enemy. This is the relationship of major tension. There is one at present—there normally is one in international affairs—and it is “us” vs. “them.” We cannot be very choosy when it comes to us. In other words, considerations of cold war prevail when one is dealing with cases like the Shah’s Iran, or South Korea, or indeed China or the Philippines or Pakistan or Romania, since they are on our side or count on us to defend them from the other side. Also, there is an incompatibility between a human rights priority and other essential national interests, such as the protection of American business abroad. A recent report of the U.S.-UN Association on Human Rights, which advocates various kinds of public measures, includes dissents signed by several American businessmen who say that one should not interfere with business for purposes of human rights, because if the government denies companies financial support on such grounds, our markets will be taken up by other countries, and indeed the legitimacy of the human rights policy will be undermined since the public will not support it unless
its benefits outweigh its penalties for us. Moreover, they argue, unrestricted trade is a vital national objective.\textsuperscript{27} Perhaps even more seriously, there is an incompatibility between a human rights priority and other world order issues. You cannot simultaneously blast the Brazilians for violating human rights and ask them to be good enough not to develop nuclear weapons. You cannot condemn the Argentine junta and expect it not only to curtail grain sales to Moscow, but to refrain from developing its own nuclear program and its own armaments. Nonproliferation, North-South relations, the effort to fulfill human needs within countries of the Third World, détente, the curbing of arms sales, the signing of a new law of the seas agreement, the establishment of a new monetary system; all these concerns are just as important as human rights. If one starts denouncing countries whose support one needs in all of those arenas, where will one be? But if one tries to balance off each of these concerns against human rights, what kind of a crazy quilt will one get?

At worst, according to the second stage of the argument, human rights policies will produce a decisive deterioration of international relations, because the essence of the enterprise is conflictive. When a nation asks foreign governments to improve human rights, whether economic or civil and political, it really strikes at the heart of the other country's political legitimacy and at the heart of its economic system. It is also conflictive because of the tension between the universal aspects of human rights standards and the very foundation of international politics since the days of treaties of Westphalia, which is the principle of sovereignty. Moreover, the means of a human rights policy are by essence interventionary; in other words, it is the opposite of what I praised so much in the first chapter, self-restraint. Finally, the character of the means at the service of such an enterprise breeds inevitable corruption: we start with the intention of doing good and end up conducting political warfare, which is exactly what has happened to the theme of human rights as interpreted by the cold war intellectuals of \textit{Commentary}, for instance.

In the last stage of the argument about effects, a human rights policy is deemed just not workable, because the “good” state will find itself in an impossible dilemma. If that state tries to be consistent, it will radically undermine its position in the international conflict, for it will end up not only hitting enemies, some of whom may hit back (like the Soviets), but also hurting its own friends. This is the argument currently made by Mr. Kissinger, and by Mrs. Kirkpatrick. Human rights policies end up replacing mediocre right wing regimes with hostile left wing ones, or a Pahlavi with a Khomeini, and where is the gain? The outcome is not necessarily better in human rights terms and very bad in national interest terms. Or else, on the other horn of the dilemma, human rights will again become part of a more traditional strategy of national interest, and it will become a sinister farce. In this situation there are a number of possibilities. One is incoherence: each decision may make sense in its own way, but the juxtaposition of contradictory decisions will undermine the human rights policy and demoralize its defenders (in her admirable book, Ms. Vogelgesang gives several examples concerning U.S. policy toward El Salvador: two consecutive and contradictory decisions on a loan from the Inter-American Development Bank for the building of a dam, and two simultaneous and contradictory decisions for an AID grant for a health clinic and against a loan by the Inter-American Development Bank for an industrial project).\textsuperscript{28} Another possibility is selective warfare against only one group of delinquent states but not another. This course will foster cynicism abroad and make other countries believe that human rights are being pursued not for themselves but for their
value as a weapon. Human rights might even become a splendid cover for cutting foreign aid altogether to "bad" countries, and we all know that most Third World countries can be denounced for not respecting the whole panoply of human rights. A moral pretext could thus be used for a Pilatean policy that will, inevitably, make the outside scene even grimmer.

A brief look at the record, which is bleak, shows the practical force of the negative case. On the good side, there has been, as Arthur Schlesinger points out, some improvement in local consciousness raising, partly because of America’s policy, and partly because of the development of a transnational network, a kind of human rights lobby across borders. (Amnesty International has played a noble part in this.) Also, there have been some successes at the margins—prisoners liberated from jails or camps, especially in areas like South America where one could say that a floor had existed before, where some traditions of human rights had developed but where there had been a departure from them. Much less progress has occurred in areas which had never even reached that floor—including much of Central America and Southeast Asia.

On the bad side, the record of the United Nations is, not surprisingly, disappointing. The process that leads individual complaints to the Human Rights Commission remains a slow obstacle course, in which papers get pushed from one body to another. If one turns to the main organs of the UN and looks at whom they have condemned over the years, one finds that, for reasons which are perfectly explainable in power terms, they have excommunicated repeatedly, and heavily, South Africa, (which deserves it, but which clearly also does not have many friends), and they have condemned several times Israel (which does not have many friends); otherwise, and except in the case of Pinochet’s Chile, they have been prudent—particularly about the totalitarian countries. This does not mean that they have not denounced the Soviet invasion of Hungary, or passed a resolution about Afghanistan, but I am referring specifically to human rights. The record can sometimes be a little bit better in regional agencies, but not very much. The Organization of African Unity had been extraordinarily reluctant to say anything about Idi Amin, until Mr. Amin was toppled and there was a great deal of uneasiness about the way in which he was toppled, because there clearly existed a conflict between the legitimacy of humanitarian intervention and the principle of sacredness of borders.

Another bad thing is the extraordinary lack of public support for a human rights policy outside of the United States. No other government has really picked it up; even if the former British minister of foreign affairs, David Owen, has written a book called Human Rights, Her Majesty’s government has not distinguished itself in this area either under Mr. Callaghan or under Mrs. Thatcher. The United States’ record itself is internally troubled and externally mixed. Internally, there has been a constant battle of priorities within the Executive, between those who thought that other concerns were more important, and the well-meaning people isolated in the ghetto of the Human Rights Bureau at the State Department. There also has been a battle of zeal between the Executive and Congress, with Congress, until 1979, pushing very hard and the Executive trying to slow it down and to preserve a broad margin of discretion. The external record has been spotty—partly because of external realities, partly because of domestic contradictions. There have been some bright spots, as in the Dominican Republic. There have been some retreats after splashy beginnings, with respect, for instance, to the Soviet Union and to Brazil. There have been some extraordinarily glaring
omissions—Iran, Saudi Arabia, Romania, China, South Korea. Sometimes attempts at reconciling conflicting concerns have turned out to be counterproductive, as in the way in which the United States handled Nicaragua during the anti-Somoza revolution (trying to delay or dilute the Sandinista victory), and currently in El Salvador. The methods chosen, such as country-specific sanctions often imposed by Congress, also have been either counterproductive (as in Ethiopia) or ineffectual (as in several Latin American instances). And there has been an appearance of double standards—as some critics have put it, America's human rights policy has ended up being primarily a Latin American policy.

WHAT IS TO BE DONE?

This formidable record of obstacles and disappointments should not discourage one. The reasons for a human rights policy—the moral, the legal, and the political ones—remain strong and would have to yield only if it could be proven, on moral grounds, that an effective human rights policy was strictly impossible, and, on political grounds, that its costs necessarily outweigh the potential benefits. The fits and starts, the failures, the confusion we have found so far do not amount to such decisive proof.

Let us begin with some preconditions for improvement. Not very surprisingly they will sound remarkably like what I suggested in the first chapter: Modesty in purpose, generality (if possible) in action, and much more attention to be paid to problems of assessment.

Modesty in purpose: We should neither request, nor even wish for, a crusade for democracy. The trouble with Mr. Moynihan, whose heart is in the right place, is that he wants a crusade for democracy against totalitarian countries. That is not modest. There are not enough democracies to win. The first art of warfare, if it is warfare we engage in, is to know how to split the opposition, and how to make those compromises that prevent defeat and make it possible to move closer to the goal. If one calls any country that one does not like totalitarian, which he does in a ritualistic way, one's chances of winning are absolutely nil. The purpose a human rights policy ought to have should go beyond mere consciousness raising, and beyond humanitarian social work (although this is not so bad). It ought to be respect for certain internationally recognized standards; but it cannot be, all at once, the achievement of everything that Mr. Vance listed in 1977, simply because that does not exist anywhere. It cannot be the whole bag; what it ought to be is a common floor and a movable ceiling—a movable ceiling, because different countries have different cultural traditions, are at different stages of economic and institutional developments, and face different realities. What you can ask of country A, let us say Chile (which was a democracy for a long time), is more than you can ask of country B, which has never had free institutions and whose economy is backward. A common floor ought to be able to put an end to, or at least to impose an armistice in the battle between the political righters and the economic righters. What I would suggest is what has been argued by Jorge Domínguez: the minimum floor ought to entail the main elements of the right to life and health, which means a fight not only against such things as torture and slavery and political imprisonment, but also against famine, epidemics, and infant mortality. These are precisely the minimum rights which are recognized not only by the international agreements and declarations I have mentioned, but also by most of the world's constitutions them-
selves. In other words, if countries have been hypocritical enough to put them in the constitutions, they might as well be asked to do something about them, even if these documents are like the ideal democratic constitution of the USSR.

To go beyond the common floor too fast is imprudent. It would not be effective, insofar as effectiveness requires an international coalition. In particular, not all countries can be asked as of now to provide themselves with all the political institutions of Western democracies—perfect freedom of press and association, multiparty systems, free elections. It can be asked of countries that had already reached that ceiling and have fallen below it. But it is only if one remembers the distance from the floor to the ceiling that one can avoid the charge of trying to remake the world in the Western (or American) image.

Modesty in purpose is obviously linked to the second prerequisite, which is generality in action. A human rights policy cannot be one country’s policy. This simply cannot work. No country has the means for it, even if it is the United States. The United States has a certain influence on some countries—I will come back to this—but even the U.S. cannot do it all by itself. Gresham’s law would operate doubly. First, other states would bail out the delinquents singled out by the U.S. (Bryce Wood points out that Latin American countries can turn to many other sources of military aid, or to multilateral or private sources of economic assistance.) Secondly, as long as one country plays the role of moral judge and moral policeman, it will risk the maximum of distortion and hypocrisy—the maximum of internal backlash if it fails, as we already see in the U.S. today, and the maximum of backlash abroad, where as long as it is an American policy it stirs up strong anti-Yankee feelings, which are perfectly understandable. In other words, just as one has to search for a common floor in substance, one has to look for a common denominator among states, even if it is low. This again is a reason for stressing both economic and political rights. For the coalition for human rights should not consist of Western states only—Third World countries would be suspicious, and one would end with justified but fruitless mutual recriminations about double standards (at present, these countries deplore the Western tendency to be more indignant at, say, black African excesses than at South Africa’s institutionalized repression, and Western writers denounce the Third World’s monomaniacal emphasis on the crimes of imperialism or racism, accompanied by the defense of their own countries’ sovereignty that covers a multitude of sins).

Finally, greater attention must be paid to problems of assessment. When discussing human rights abroad, we must remember that information is often poor and unreliable. It is uneven, with respect both to countries and to ills. The meaning of a given right, say to free elections or to a free press, varies a great deal from place to place. We must know not only what exists at a given moment, but the general direction, the rate of change, the trend, which is more important than the moment. And there are formidable problems of comparability, such as with respect to political prisoners for example. A political prisoner means one thing in one country, and a very different one in the Soviet Union. There are also differences in potential among countries, especially insofar as economic and social rights are concerned. Priority in action ought to be given to the strengthening of all public and private, international and regional, monitoring and reporting bodies. Publicity—the most potent weapon at the disposal of the Inter-American Commission, for instance—is not guaranteed to be effective. But it is a precondition for effectiveness,
and enough governments have enough reasons to want a good image. In other words, an essential preliminary would be the mobilization and multiplication of such bodies. We need more specialized ones, covering a bigger scope, (especially with respect to economic and social rights), more public discussion and public meetings; in other words, more ritualization (aimed at obtaining for the conclusions and recommendations of these bodies, the kind of endorsement by international and regional organizations which the Inter-American Commission has obtained from the Organization of American States). And we need more resort to nonofficial members (because state representatives discussing human rights are a splendid recipe for hypocrisy), and more resort to private organizations and transnational bodies. This means an act of faith in the long-run permeability even of particularly hard-boiled authoritarian and totalitarian regimes to such reporting, and monitoring; for they do not live completely shut off.

We next come to the question of means and ends. Let us begin with some general principles. The first one, which will again annoy the pure moralists and philosophers, is that we ought not worry too much about inconsistency. There are two inconsistencies worth discussing. One is more apparent than real—the contradiction between the earlier plea for self-restraint, and a policy of human rights which aims at changing the way governments treat citizens. We must make a distinction between what one can normally call interference or meddling, which is practiced by every sovereign state, and which essentially consists of trying to change a foreign regime so as to make it more favorable to one’s own political or economic interests, and the kinds of measures I am advocating here and which are essentially aimed at getting governments to observe rules of behavior to which they have committed themselves. It is an essential distinction.

Everything in international politics constitutes interference, by definition, the minute one gets out of Rousseau’s marvelous ideal of little states that have no connection with one another. And the greater the intensity of relations, the more interdependence, the more mutual (and normally uneven) interference there is. But there is a classical difference between intervention in somebody’s domestic affairs, which is manipulative and self-serving, and this kind of interference, which even if undertaken among states is in a sense aimed at establishing supranational standards.

The other kind of inconsistency concerns the very substance of a human rights policy. Equality consists of treating different things differently, not equally. And inconsistencies are inevitable, for many reasons. States are in different local conditions; they are situated differently on what could be called the geopolitical map of enmities and alignments; policy has to weigh factors other than human rights (and some of these are moral ones, like peace or the provision of aid for basic needs in countries that violate human rights); and one’s power and reach are uneven. To ask for consistency would, in practice, consist of saying that since there are some countries whose internal policies we can never affect, for instance the Soviet Union, we should not try to affect any; that is not very satisfactory.

We must therefore resign ourselves to a modicum of inconsistency. But how much? The next two principles should help us find the answer. The second general principle is that the key question ought to be effectiveness. About each decision, choice of target, choice of means, what is this likely to accomplish? ought to be asked. This has a negative implication and a positive one. The negative one is the duty to avoid grandstanding (even if we convince ourselves that playing to the gallery will raise consciousness, it will mainly raise cynicism and despair if
no effective moves follow). The positive implication is
eccentricism in ends and means. A modest target that is
within sight is preferable to a more grandiose, a more pre-
cise to a nebulous one, depending on the circum-
cstances. Here as in other areas of applied ethics the best
is the enemy of the good, and the good is measured by
the possible. There is no need to prefer public means which
are inefficient to discreet ones which can be effective;
human rights can be improved sometimes by direct
onslaught, so to speak, but sometimes by oblique means.
What matters is the effect, or the balance between likely
good and bad effects, on human rights.

The last general principle is the avoidance of
case-by-case decisions. Am I now being inconsistent? No,
because case-by-case decisions of the wrong kind will
produce the wrong kind of inconsistency. I am arguing
for the right kind of inconsistency. The wrong kind is
incoherent inconsistency, instead of defensible and pur-
poseful inconsistency. What is all too often called case-
by-case consideration is devoid of a sense of direction and
of a strategy: not having a clear place on one’s general
map of operations, the decision becomes a discrete event
unlinked to other similar ones. As in other foreign policy
matters, what is needed is purposeful strategy with a set
of guidelines. These will take into account cultural dif-
ferences, local circumstances, differences in trends, dif-
fences in the potential of different countries, and the
inevitable fact that human rights considerations will have
to be balanced against or blended with other concerns.
But the main idea would be that the balance or blend
ought to be such as not to sacrifice the promotion of human
rights altogether. There may be instances in which their
immediate promotion may be ineffective or counter-
productive, or would yield in other important policy
areas disastrous results far exceeding the dubious ben-
efits of a frontal attack. In such cases, the direct attempts
should be abandoned, but the other policy goals ought to
be pursued in such a way as to maximize the chances for
future progress in human rights. However, we should
never assume that it is a choice of either-or. Countries
interested in nuclear weapons will pursue that interest,
rooted in considerations of prestige or security, whether
we pressure them to respect human rights or abandon
the attempt out of pusillanimity. Countries whose politi-
cal regimes and economic systems make the satisfaction
of basic human needs impossible, because of corruption
in high places or screens of special interest between the
state and the poor, will remain in miserable condition,
even if we give to the dream of helping them meet these
needs through external assistance, priority over the need
to end violations of basic rights. In other words, before
we give up, postpone, retreat, and make exceptions, we
must carefully weigh, rather than assume, probable costs
and likely alternatives. The question ought to be: How
far can we go in pursuing the protection of human rights
before we start compromising other moral goals, or those
Machiavellian goals dictated by general competition and
specific enmities that are incompressible, or the domestic
basis of support for our human rights efforts? Concerns
other than human rights may dictate either a less intense
pursuit of the cause of human rights, or considerable
discrimination and prudence in the choice of the means
used in behalf of this cause. But—especially when what is
at stake is the common floor—the cause should continue
to make a difference in one’s policy.

When one does not have clear (albeit flexible)
guidelines, one will always end putting human rights last;
they will become like a little bit of salt to be added on the
plate at the last minute, or rather not at all, for almost
every time human rights will yield to a good argument
about something else. You cannot push this country too
far; its cultural background is too low. You cannot push
that country too far because it has to fight terrorists, and the only way of dealing with terrorists is by using their methods. Or, human rights cannot be pushed too far in another country, let us say the Shah's Iran, because there is no good alternative there to the regime in power. Or, we must be careful here, because we might throw that other country into Moscow's arms. One needs an integrated policy, not a residual one, a set of clear criteria and goals, even if they cannot be entirely even and consistent.

This brings us to the question of means and to the question of targets. On means, we must distinguish between those which are at the disposal of governments and those which are at the disposal of others—in other words, the rest of us. Governments, first of all, ought to use not only sanctions (which are often ineffective or counterproductive) but rewards. (Sanctions are particularly dubious when they are applied unilaterally: the target can usually turn to other states. But rewards are often most effective when they are unilateral.) There is a blackmailing way of using rewards. "If you want something from me, why couldn't you do this or that, with respect to human rights." Farer proposes, for instance, that tariff preferences be given to Third World countries which meet certain conditions with respect to civil and political liberties, and to what is called the physical quality of life index (even that has been reduced to indices). The other form of reward could be called the enhancing sort—long-term aid for states willing to promote basic human needs (see Chapter 4).

Secondly, a great deal can be accomplished by states deciding simply not to do certain things, such as training local armies or police forces in repressive techniques—there is no need for the United States to train the Savaks of this world; or intervening on behalf of governments that repress human rights, or giving them military aid when they ask for it. Of course, it is true that they can turn elsewhere, but that is not always a sufficient reason to give in. My refusal to give aid will not be effective in promoting human rights, if others take my place. But my granting that aid will insure both the perpetuation of violations, and my responsibility for it. In such a choice between two forms of dubious effectiveness, or even when one is faced by one's would-be client's threat to turn, not just to one's own friends, but to one's enemies, there is still a case to be made for providing him with what he wants only on condition that he improves his human rights record, and for the symbolic and political virtues of abstention or omission if he refuses or fails to do so. Whether the jilted state turns to one's enemies will depend on its self-interest; and our main adversary knows what we too have learned: clients are easier to hire than to own.34

Thirdly, in the case of rights that are clearly treated as universal and fundamental in contemporary international law (such as the right to be free from torture), pending international agreements that would create a universal criminal jurisdiction against violators of such rights (for instance, against torturers), national courts could follow the example of a recent United States Court of Appeals, which allowed a civil suit, in this country, by the family of a victim of a Paraguayan police official, against this man who had come to the United States as a visitor.35

A last question about means at the disposal of states is: When are sanctions actually justified? They are, first of all, in those cases we discussed in the previous chapter in which even the use of force may be deemed legitimate under certain conditions: cases of genocide, mass slavery, gross violations of physical security; the U.S. embargo of trade against Idi Amin was in this category; secondly, in cases in which governments do in fact promote mass misery, or fail to act against it. There are two
arguments against sanctions which challenge their effectiveness except in rare cases such as that of Uganda (a country dependent on the revenues from the export of coffee, whose peasants were already exploited as well as butchered by Idi Amin). One is that such sanctions—for instance an embargo on trade with South Africa—would hurt the poor and worsen their condition. However, this possible but uncertain result has to be weighed against the likelihood that the absence of outside pressure would perpetuate existing, massive deprivations of rights, and against the certainty that the maintenance of normal links legitimizes the status quo. The other objection points to the fact that the economic sanctions which might be justified would often be effective only if they are taken by international financial institutions, because most public aid, these days, is multilateral. For the United States to cut off its small doses of aid to country X is fine symbolically, but most of the aid comes from what is known in the jargon as the IFIS, the international financial institutions. Here, there has been a big debate within the State Department, between the Executive and many members of Congress, and also between them and Mr. McNamara, head of the World Bank. Many have said that it is scandalous to ask international financial agencies to use human rights criteria, because their job is development. On this issue, I am on the side of Representative Harkin, who has tried to prevent, through legislation, multilateral banks from supporting regimes that violate human rights. Development is not an end in itself; it is a means to certain ends. Development that reaches the poor rarely happens in countries that violate basic rights. Human rights are internationally recognized; to act to protect them does not mean politicizing the banks—as if development and the distribution of aid were unpolitical anyhow. Moreover, violations have economic effects: when they lead to massive turmoil opportunities for de-

velopment shrink. And, as has been pointed out by Harkin and others, the measures routinely taken by the IFIS, for instance by the International Monetary Fund, have human rights effects anyhow, sometimes rather debatable ones. Whether Harkin’s method was the best possible one or not (that is, whether state representatives on the boards of IFIS should be told how to vote by domestic legislation, or whether it is best to leave instructions to their governments, and to agreements among the governments), his goal was justified; and so is Farer’s suggestion of denying drawing and stand-by rights in excess of their gold tranche at the IMF to countries found to be engaged in gross violations of human rights.

To justify sanctions does not mean certifying their effectiveness; the history of embargoes and boycotts is not encouraging. Even if one assumes that a sizable coalition of states has been built up, it may not suffice—hence the importance of the means to be used by actors other than states. Except in the realm of military assistance, states are not necessarily the most effective agents. In economic assistance, private enterprises and banks are far more important. The participation of private groups and individuals in a human rights policy is essential in two forms: as a substitute or as a complement. There is, first of all, a role to be played by national and international civic and scientific organizations, especially in those cases when governments have to put considerations other than human rights, like national security, first, or when governments are obliged to use an oblique approach for the sake of effectiveness. In other words, private groups can sometimes be more effective in raising issues and consciousness, and even in achieving results.

Secondly, when moves by states or by public international institutions are not enough, there is a vital complementary role to be played by multinational corporations or private lending agencies. Can one really ask a
multinational corporation or a private bank to "factor in" considerations other than profit? Is not business, or money, their one legitimate objective? Should they suffer the costs of a human rights policy—the loss of markets, of contracts, of jobs at home? Won't such sacrifices be in vain anyhow, as the target countries turn to more reliable suppliers? What about the rights and expectations of shareholders? Surely, the manager's first moral obligation is to them, and to his firm. But is it also his last, or is it his only one? The first answer is that businesses have already become used to injecting concerns other than profit into their strategies in domestic affairs, for prudential reasons. For years they have accepted regulations, for instance labor or industrial legislation, which they do not particularly like, because they have been convinced that it is in their long-term interest. One can do the same with respect to external affairs: in the long run, doing business with gross violators of human rights may lead to upheavals which entail far greater losses than the short-term ones invoked by the defenders of a pure business approach. (Think of American banks and firms that did business with the Shah of Iran.) Moreover, groups which are primarily dedicated to profit may believe that, from time to time, there is a morality above profit; this too is something they do acknowledge at home, where a moral consensus exists.

Another answer is that private enterprises and banks, more even than states, can use their influence positively rather than resort to sanctions. Thus in South Africa companies do not have to choose only between participating in and profiting from apartheid, and disinvesting. They can try to promote employment, housing and health policies that undermine apartheid. And, like states, they can be effective simply by not doing certain things: some banks are refusing loans to the South African government. Still, the final answer must be that, when all other efforts have failed to be effective, withdrawal—and the losses it may entail—will have to be the last resort: private groups cannot be above internationally recognized rights, business is not above humanity. However—to close the circle—it is clear that withdrawal will be neither possible nor effective unless it is a policy of several major nations, on behalf of basic rights.

We will end with some remarks about targets. A first target—in recent and undoubtedly in coming years—is South Africa, whose apartheid system entails institutionalized deprivations of human rights for the black majority, and whose recent moves aimed at some improvement of the economic and social conditions amount neither to the end of exploitation nor to the end of extreme political discrimination. Except for the promise of more business, there are few rewards Western governments and private groups can offer to the white South Africans in exchange for reform. On the other hand, a policy of extreme sanctions, advocated by many at the UN, could be either ineffective, if the main trading and business partners of South Africa refuse to join (here, England is more important than the U.S.—and the West generally is too much in need of South African minerals to go along with a total embargo), or dangerous, if it produces a hardening of the regime and further polarization, leading to a race war and to a possible superpower confrontation. And some trade sanctions (such as an oil embargo) could worsen the lot of the black masses even further. An effective policy would consist of gradual pressure by the broadest possible group of states—enough to give the regime strong additional incentives for change before a peaceful solution becomes impossible, but not so tough as to lead to the counterproductive results just mentioned. One part of this policy would be an effort by foreign investors along the lines described in the previous paragraph—an effort which, in
the U.S., the government (for instance through the Export/Import Bank) should encourage, but which is most unlikely to succeed by itself (since improvements in the labor field do not affect political rights, although they may contribute to raising demands for such rights).37

A second group of possible targets consists of the developing countries in general, in many of which massive violations of rights occur. They are the most sensitive to cultural (or other forms of) imperialism from the “haves.” And their charges of neo-colonialism are very often correct. However, if one tries to introduce human rights considerations into North-South bargains, in which, after all, the West has many of the cards, and if this is done by a common front of a large number of nations for a minimum floor, for a mix of civil and economic liberties, and with equal attention paid to violations committed in developed countries, for instance in South Africa, the argument about neo-colonialism becomes much less potent. I will return to this point in the next chapter.

The third group of targets—not the easiest—consists of totalitarian countries. This is the one where overt pressure and grandstanding are often likely to be most counterproductive. Public statements, public demonstrations of support to dissidents can be justified on two counts: consciousness raising, and boosting the morale of brave, harassed people. But there are huge drawbacks: the fate of the victims is likely to get worse, and objectives other than human rights are damaged. This is no reason to remove human rights from the list of goals. But this is the realm where I would put forth the most passionate defense of obliqueness for the sake of effectiveness. One will never succeed in improving human rights in such countries unless there is first communication, contact, interchange with them. And it is in conditions of general peace, or what used to be called détente before the word became unpopular, that the chances for some diminution of repression are best. It is not a sufficient condition, as we know from the repression that followed the Helsinki agreements (at a time which, however, was no longer the high point of détente); but it is a necessary condition. Governments do not have to be ashamed for putting arms control agreements ahead of a direct attack on and public confrontation over the human rights scene in the Soviet Union, Commentary notwithstanding. Peace is a human right (I am not against public confrontation and overt sanctions where they have a chance of succeeding; they may well have one, for instance, in the case of South Africa. But with the Soviet Union this would be counterproductive, for all kinds of reasons. The Soviets are proud, and they are deeply suspicious of penetration and interference from abroad. Their accessibility also depends in part on the general political context and atmosphere of Soviet-American relations.) This is, again, a matter of strategy rather than a matter of choosing between absolutes; any move that diminishes the risk of nuclear war, such as an arms control agreement, creates the conditions in which human rights violations can become a primary target of policy; anything that makes war more likely, or defense an obsession, makes human rights more precarious.

Obliqueness, however, does not mean that one has to remain totally passive about what goes on on the other side. This is precisely where private groups and people have a role to play. The best way for them to advance the cause of human rights in the Soviet Union is not to refuse to hold meetings in Moscow or to have contacts with Soviet organizations. Except in extreme circumstances (such as the Olympic boycott after the invasion of Afghanistan) such lofty refusals of contacts may give one a sense of marvelous moral purity at the cost of total inefficiency. This is a great mistake, because it
is only if one starts communicating that one has any chance at all; on the other hand, to go to meetings and do what, according to Arthur Schlesinger, the American Historical Association did at one point, which was to take part in a Soviet-American colloquium in Moscow, very carefully to avoid meeting dissidents or raising any kind of issue, and to behave as if they were groups of equally independent scholars, is a dirty way of washing one’s hands. The point is to communicate one’s protest and to pressure for change, as the World Psychiatric Association and the National Academy of Sciences have done. Moreover, since most of the totalitarian countries, including the Soviet Union and China, want some things from the West, we can play what could be called not explicit linkage, à la Jackson amendment, because it backfires, but implicit linkage. “What you want from us we cannot really deliver to you (because of our public opinion or because of our Congress or Parliament) unless you do certain kinds of things with respect to human rights.”

The last target area is one about which the most heated arguments have taken place. In my opinion, a state which wants to pursue a human rights policy has a special duty of dissociating itself from human rights violations that occur within its own sphere of influence. We may not be able to do very much about Albania, Outer Mongolia, even Romania or China, most probably Russia, but there are things we can accomplish with our own clients. There are things the French could accomplish with some of their own (which does not mean that they should have just gone and lifted Mr. Bokassa in the way in which they did it, after supporting him for years). In terms of gains for human rights each country has a special sphere of responsibility, and that consists precisely of its clients. There are counterarguments, of course. If we start punishing our own allies, “alienating our friends,” are we not undermining our position in the world? Is it not true that they can turn to our own enemy? Or that after their overthrow, the successor governments are likely to be worse? These are scare arguments, in most instances, rather than valid ones. To be sure, we want things from them; but if they grant them—bases, minerals, listening posts, etc.—it is because they deem it in their own interest and because of what we grant them in exchange. This should allow us to subordinate our concessions to progress on human rights on their part, instead of allowing them to force us, more or less reluctantly, to give up such demands. If one starts with the assumption that once somebody is your client there is absolutely nothing you can ask of him, you will always end up being victimized by your dependents. In most cases, their current regimes have nowhere else to go; if they go somewhere else, and their new protector is our friend anyhow, there is nothing lost. And it is the postponement of reform, the persistence in repression, which prepare the excesses or horrors of the successor regimes. Our policy should aim at using our influence for human rights purposes—at blending security concerns and human rights considerations so as to enhance both, instead of sacrificing the latter to the former; and if the attempt fails, we should deliberately, if gradually, dissociate ourselves from the violator. There is, for once, a quite extraordinary coincidence between morality and self-interest, because in instance after instance—Iran being the most spectacular—one can show that it is not at all in America’s interest to support blindly unjust, corrupt, and repressive regimes. These are precisely the weakest spots in the competitive dimension of international politics. These are precisely the factors of instability, subversion, and revolution. Should our clients collapse from within, while this may not at all improve the human rights situation in these countries, it surely undermines our position in world affairs for more than attempts at producing
timely reform. And if the client is so fragile that reform could only hasten collapse, it is a good reason for timely dissociation. We may face similar disasters in South Korea, in the Philippines, in Saudi Arabia, and even in Egypt.

In conclusion, let us remember that the promotion of human rights can be indirect as well as direct. Having a human rights policy means not only having a Bureau of Human Rights which aims at establishing among nations respect for a certain code, but above all weighing the human rights effects of all one's own policies. In that sense, even if Mr. Kissinger does not like it, the analysis by William Shawcross, and many other people, of the human rights consequences of America's involvement in the Vietnam war is exemplary. It is not to be dismissed simply by the argument that the other side is not any nicer and has committed gruesome violations on a colossal scale. This is true, but since we were unable to win except at a cost incommensurate with the stakes and even more prohibitive in human rights terms, the result of our action has been that the people of Indochina have suffered both the evils inflicted by the other side, and those inflicted by us—and, in the case of Cambodia, those created by our own war actions, the crimes of the Khmer Rouge, and finally those of the Vietnamese.

The next remark, which is discouraging, is that human rights violations are essentially a symptom, and that is why the subject is so difficult. Violations of human rights are the expression of deep structural problems; they are inherent in certain kinds of political regimes and in certain kinds of economic systems in many parts of the world (Latin America, for instance). Therefore, to deal with human rights is to deal with epiphenomena; and yet, given what these violations reveal and given their reasons, this is sufficiently inflammatory to poison the international atmosphere all by itself. If you deal with human rights in the Soviet Union, you don't address yourself to the fundamental problem, which is the nature of the Soviet regime; the same can be said about Brazil or Argentina. However, it is enough of an irritant to make interstate relations difficult. Alas, there is at present no way in which one can deal with those structural problems head on from the outside. We do not have the means for it, we do not have the knowledge, or we do not have the will. Therefore, a human rights policy is a kind of first timid step, faute de mieux—an oblique way to handle political change as an international issue.

Finally, when all of this has been said, and after one has tried to define what a policy might be, one sees that there is no way out of the fundamental dilemma. We remain caught between two opposite verities. One is contained in a statement by Professor Richard Falk. He writes that the present system of nation-states has such a high degree of tolerance for violations of human rights, that these rights could be protected only if a new system of world order, not based on the nation-state, were established. The question which this raises, of course, is how Mr. Falk is going to do that? The opposite verity is in a statement by Mr. Kissinger, that in the present system of states the best one can do for human rights is to establish moderate interstate relations, not ask questions about the domestic performance of states, but simply look at how they behave outside their borders. The question which that statement raises is: How are they going to behave outside if their domestic performance is miserable? How are interstate relations going to be stable if intrastate affairs are in turmoil? One is caught in a vicious circle. The aim of a human rights policy is to establish a moderate, livable world order, and yet the precondition for success, for the effectiveness of a human rights policy is that the world already be moderate, that there not be so sharp a distinction between the good and the bad guys,
between “us” and “them,” as to oblige us to give priority to the security contest, and that there not be too many states or governments depending for their very life on violations of human rights. Given this vicious circle, one should go back to Kant’s ideal of the moral politician; the duty of the moral politician is to turn the evil circle gradually into an ascending spiral. One may want to move progressively toward Falk’s idea but not take his remark as a counsel of despair about the present. He may be right that only in a different system altogether will human rights be respected, but if you take this too seriously it becomes a splendid argument for doing nothing until we have a nice kind of world government. And one can accept the truth in Kissinger’s notion, which is that human rights cannot be the sole objective of policy, yet not take this as a complacent reason for abdicating altogether. But anybody who believes that there is a simple road to progress in these areas has my sympathy.